

LONDON BOROUGH OF CAMDEN	WARDS: Hampstead Town, Gospel Oak, Frognal & Fitzjohns
REPORT TITLE Hampstead Neighbourhood Plan Adoption (SC/2018/49)	
REPORT OF Cabinet Member for Investing in Communities	
FOR SUBMISSION TO Cabinet Council	DATE 5th September 2018 8th October 2018
<p>SUMMARY OF REPORT</p> <p>Following a local referendum, the Hampstead Neighbourhood Plan – Referendum version May 2018, prepared by the Hampstead Neighbourhood Forum, is to be ‘made’ (that is, adopted) by the Council in line with statutory requirements. The Neighbourhood Plan relates to an area that includes the majority of Hampstead Town ward (excluding Church Row and Perrins Walk) and small parts of Gospel Oak and Frognal and Fitzjohns wards.</p> <p>Neighbourhood Plans can shape, direct and help to deliver sustainable development by influencing local planning decisions and gives communities the power to develop a shared vision for their area. The National Planning Policy Framework stresses the importance of these plans taking a positive approach towards meeting local development needs and states that neighbourhood plans should not “promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. The Neighbourhood Plan examination found that the Hampstead Neighbourhood Plan was in general conformity with Camden’s adopted Local Plan policies.</p> <p>A key strand of Our Camden Plan is the focus on collaborative working to: “Open up the council so all citizens have a say” and “Bring people and agencies together to get things done”. Neighbourhood plans allow communities to respond to planning issues affecting their locality, provided this supports the overall needs of the borough being met.</p> <p>The Council's Constitution requires all of the Council's development plan documents to be agreed by Cabinet and the Local Government Act 2000 requires local plan documents to be adopted by full Council.</p> <p>Local Government Act 1972 – Access to Information There are no documents used in the preparation of this report that are required to be listed.</p> <p>Contact Officer:</p>	

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WHAT DECISIONS ARE BEING ASKED FOR?

Cabinet

Cabinet is asked to note and refer this report to full Council for a formal resolution to make the Hampstead Neighbourhood Plan – Referendum version, May 2018, annexed at Appendix 2 to this report.

Council

The Council is asked to make the Hampstead Neighbourhood Plan – Referendum version (May 2018) annexed at Appendix 2 to this report.

Signed: 

David Joyce
Director of Regeneration and Planning

Date: 22nd August 2018

1. CONTEXT AND BACKGROUND

- 1.1 This report seeks authority to make (adopt) the Hampstead Neighbourhood Plan – Referendum version May 2018 (“the Hampstead Neighbourhood Plan”) following a local referendum. It also sets out the need for a Local Green Space boundary in the Plan to be amended, a decision which would need to be made through a Single Member Decision by the Cabinet Member for Investing in Communities, following adoption of the Plan. It is only possible for the Council to modify a post-referendum plan once it has been adopted. Further detail on this matter is set out in paragraphs 1.10 to 1.12 below.
- 1.2 Communities can prepare neighbourhood plans to influence the future of their areas. These are statutory planning documents which can establish general planning policies for the development and use of land in a neighbourhood. National planning policy expects neighbourhood planning to be a positive process, supporting the wider strategic growth and planning policies of the area (in Camden this context is provided by the adopted Camden Local Plan 2017). Neighbourhood plans must be prepared by the community through designated neighbourhood forums, and once prepared, are subject to public consultation, independent examination and a local referendum.
- 1.3 The Hampstead Neighbourhood Plan relates to the majority of Hampstead ward and parts of Gospel Oak and Frognal & Fitzjohns wards. It excludes Church Row and Perrins Walk which has been designated as a separate neighbourhood area. A map of the Hampstead Neighbourhood Area is set out in Appendix 1 to this report. The Hampstead Neighbourhood Forum and Hampstead Neighbourhood Area were approved by the Council in October 2014.
- 1.4 The overarching Vision of the Hampstead Neighbourhood Plan is “to conserve and foster Hampstead’s charm and liveability by protecting the distinctive character of buildings and open spaces, the Heath, healthy living, community spirit and the local economy”. The Plan’s policies are structured around 6 main topics:- Design and heritage; Natural Environment (including the designation of Local Green Spaces); Basements; Traffic and transport and movement; Economy/town centres and Housing & Community.
- 1.5 Two stages of public consultation were undertaken on the draft Hampstead Neighbourhood Plan. During the second consultation, the Council appointed an independent examiner (Jill Kingaby), to assess the plan against statutory requirements. The Council submitted a representation on the submission draft Plan for the Examiner to consider. In general, this expressed support for the proposed Neighbourhood Plan but identified a number of areas where the clarity and flexibility of the Plan could be improved. These suggestions related principally to how the basements and transport policies would work alongside the planning policies recently adopted by the Council

and set out in the Camden Local Plan. The Examiner issued her report to the Council and Forum in March 2018.

- 1.6 The Examiner's Report found that, subject to a number of modifications, the Plan met the 'Basic Conditions' – statutory tests which neighbourhood plans are expected to meet, and could proceed to a local referendum.
- 1.7 The Council published a 'Decision Statement', setting out a formal response to the Examiner's recommended changes to the Plan and confirmed that the Council would take the Plan forward to a referendum of residents living in the Neighbourhood Area.
- 1.8 The referendum was held on 21st June 2018, asking residents if they would support the Council's use of the Neighbourhood Plan when making decisions on planning applications in their area. A substantial majority of those who voted supported the use of the Plan.
- 1.9 Key elements of the Hampstead Neighbourhood Plan are:
 - Identification of five local character areas which applicants are expected to consider when designing and developing proposals;
 - Identification of 13 views which proposals will be expected to protect and enhance;
 - Designation of 14 areas as 'Local Green Space';
 - Inclusion of a list of Important Trees;
 - The protection and restoration of biodiversity corridors and historic tree lines;
 - Additional steps to the Council's Basement Impact Assessment (BIA) process which applicants are encouraged to consider;
 - Recommendation setting out specific hours for basement works and high impact activities;
 - Avoiding the use of vehicles above a specified weight limit for deliveries, servicing and construction;
 - Where proposals are for predominantly medical, care or educational purposes, or expected to average 100 or more person trips per day post completion, they are to be located in areas with PTAL 4 or above up to 2023; PTAL 5 or above thereafter;
 - An extension to the designated South End Green Neighbourhood Centre;
 - Changes of use for upper floors in Class A or B1a uses to residential to be resisted unless there is a long history of vacancy;
 - Resisting the loss of small self-contained residential units (i.e. studios or 1 / 2 bed properties);
 - Identification of valued community facilities it would be desirable to protect.

- 1.10 An objection was received by the Hampstead Neighbourhood Forum and Camden Council relating to a Local Green Space designated by the Hampstead Neighbourhood Plan. The Hampstead Neighbourhood Forum confirmed that a private garden had accidentally been included within the boundary of one of the designated Local Green Spaces (Site 2) and that the correct description of this open space should be 'Oak Hill Park' (one of the Plan appendices refers to it as "Oak Hill Wood").
- 1.11 This Local Green Space boundary cannot be corrected until after the Plan has been 'made', but it is proposed that this will be addressed through a report to the Cabinet Member for Investing in Communities. Neighbourhood Plan legislation¹ allows for minor changes to a plan for the purposes of correcting errors. The legislation states "A local planning authority may at any time by order modify a neighbourhood development order that they have made for the purpose of correcting errors" (the words "by order" are deleted for neighbourhood plans). Further, there is a requirement that the Forum must give its consent to the modification, which has occurred in this case. For the avoidance of doubt, the corrections to the Plan to be proposed are:
- (page 27) Map 5: "Open Spaces and Biodiversity Corridors Map": to be replaced with a revised version showing the amended boundary to Local Green Space, Site 2: Oak Hill Park ;
 - Appendix 4: "Open Spaces and Biodiversity Corridors" -
 - "Local Green Spaces and Biodiversity Corridors Map": to be replaced with a revised version showing the amended boundary to Local Green Space, Site 2: Oak Hill Park
 - "Local Green Space Detailed Map" of Site 2: Oak Hill Wood to be replaced with a revised version showing the amended boundary to Local Green Space and to be relabelled as 'Oak Hill Park' to ensure consistency with Policy NE1 of the Neighbourhood Plan.
- 1.12 Subject to Members' agreement to make/adopt the Plan as set out in Appendix 2, Officers will seek a decision from the Cabinet Member for Investing in Communities to correct the error relating to the Local Green Space.

2. PROPOSALS AND REASONS

- 2.1 Under s.38(3A) of the Planning and Compulsory Purchase Act 2004 a neighbourhood plan forms part of the Council's statutory development plan from the point the plan has been approved at local referendum. This means that, even though the Council is yet to "make" the plan, the plan acquires full weight in planning decisions within the relevant neighbourhood area. There is nevertheless a statutory requirement for

¹ Section 61M(4) of the Town and Country Planning Act 1990 and the Neighbourhood Planning Act 2017

the Council to 'make' (i.e. adopt) a neighbourhood plan that has been approved at referendum. The Hampstead Neighbourhood Plan is, therefore, already being treated by the Council, as part of the development plan when making planning decisions in the Hampstead Neighbourhood Area.

- 2.2 Neighbourhood plans are required to be in general conformity with the strategic planning policies, and should be aligned with the strategic needs and priorities, of the wider local area. In accordance with the National Planning Policy Framework (paragraph 185), when decisions are made on individual planning applications, policies in a neighbourhood plan should be given precedence over non-strategic policies in the Local Plan, where they are in conflict.
- 2.3 20.5% of electors in the neighbourhood area voted in the referendum on 21st June 2018, with a substantial majority in favour of the Hampstead Neighbourhood Plan being used to help decide planning applications in the Plan area. The results of the referendum were:

Response	Votes	Percent of total
Yes	1,484	91.5%
No	138	8.5%

- 2.4 The Council's Constitution requires all of the Council's development plan documents to be agreed by Cabinet and the Local Government Act 2000 requires local plan documents to be adopted by full Council.
- 2.5 As soon as reasonably practicable after a neighbourhood plan is made, the Council must publish the Plan together with an 'Adoption Statement', setting out where, and at what times, the Plan can be viewed, and a copy of the document must also be sent to the Secretary for State for Housing, Communities and Local Government. A draft 'Adoption Statement' is set out in Appendix 3 of this report.

3. OPTIONS APPRAISAL

- 3.1 The Council has a statutory duty to 'make' or adopt the Neighbourhood Plan. This is to confirm that the Council is satisfied that a neighbourhood plan meets all the statutory requirements, including EU law. The Council can decide to not make ('adopt') the Plan if it is considered to be incompatible with any EU obligation or any of the Convention rights (within the meaning of Human Rights Act 1998). This would mean that the Neighbourhood Plan ceases to be part of the development plan for the area (the status it acquired on being approved at the local referendum).
- 3.2 Officers are satisfied that the making of the Hampstead Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

4. WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 The key impact is that the Hampstead Neighbourhood Plan will be used alongside the Council's own adopted planning policies to make decisions on planning applications in the area. The 'making' of the Neighbourhood Plan confirms the Council's agreement that the Plan meets all statutory obligations.
- 4.2 The Neighbourhood Plan was prepared by the Hampstead Neighbourhood Forum, with the support and input of Camden Council officers. At the time of the Examination, the Neighbourhood Plan was found to be in general conformity with the Council's adopted strategic planning policies set out in the Camden Local Plan.
- 4.3 Draft versions of the Neighbourhood Plan were reviewed by relevant Council services to ensure that any issues relating to the Plan's impact on other Council strategies (for transport, green spaces etc.) could be identified and addressed. Advice was also sought from the Council's technical advisors for basement development (Campbell Reith). The Examination secured changes to the Plan that responded to the matters raised in the Council's representation. The key changes recommended by the Examiner were reported by Officers in the "draft Decision Statement" report to the Cabinet Member for Investing in Communities (26 March 2018, SC/2018/15).
- 4.4 The Council undertook an Equality Impact Assessment (EqIA) to assess the Plan's impact on 'protected groups' and how the policies might impact on equality. The findings were shared with the Neighbourhood Forum. This found that all of the draft Plan's policies were likely to have positive or neutral effects.
- 4.5 Many of the Neighbourhood Plan's policies seek to improve the quality of the environment for all and a particular theme of the Plan is to enhance the quality of place and positively manage the adverse impacts of development. Officers found that some of the draft policies would be particularly beneficial for protected groups, especially the young and elderly, who tend to spend more time closer to home and would benefit from the Plan's emphasis on securing improvements to the street environment, open spaces and community facilities.
- 4.6 The EqIA is attached as Appendix 4 to this report.

5. LINKS TO OUR CAMDEN PLAN

- 5.1 "Our Camden Plan" sets out how the Council will work with our communities to take forward our shared priorities over the next four years (2018-2022). A key strand is the focus on collaborative working

to: “Open up the council so all citizens have a say” and “Bring people and agencies together to get things done”.

- 5.2 The community has to form a “Neighbourhood Forum” in order to bring forward a neighbourhood plan, which has an ‘express purpose’ of furthering social, economic and environmental well-being. A key benefit of neighbourhood planning is that Neighbourhood Forums can gain a much richer understanding of the plan making process and are directly empowered to draft part of the statutory development plan for their area. In doing so, residents, businesses and other local stakeholders come together to shape local action, which will sometimes extend beyond neighbourhood planning itself. Neighbourhood planning has become an established tool for empowering civic action and building capacity.

6. CONSULTATION / ENGAGEMENT

- 6.1 Consultation has occurred throughout the preparation of this Plan. The Neighbourhood Forum implemented a comprehensive community engagement strategy up to the Plan’s submission for independent examination. Details of the consultation methods used and how the whole community was engaged, including hard to reach groups, are set out in the Neighbourhood Forum’s ‘Consultation Statement’ – one of the supporting documents submitted at examination. The Neighbourhood Forum undertook consultation on a full draft Plan commencing in March 2017 (Regulation 14).
- 6.2 The Council-led consultation on the submission draft version of the Plan during November to December 2018 was in accordance with statutory requirements. The Plan was publicised for six weeks and representations invited. The local referendum seeking resident support for the Plan followed the independent examination.

7. LEGAL IMPLICATIONS (comments from the Borough Solicitor)

- 7.1 The Borough Solicitor’s comments are included in the text of this report.

8. RESOURCE IMPLICATIONS (Finance comments of the Executive Director Corporate Services)

- 8.1 Following a public consultation and referendum, this report asks Council to adopt the Hampstead Neighbourhood Plan set out in Appendix 2.
- 8.2 The financial support awarded to local planning authorities has changed since the inception of neighbourhood planning in 2012. Previously, councils were able to apply for £5,000 for each forum and area designation, £5,000 for the submission of a neighbourhood plan

for examination and £20,000 for a plan approved at examination. Now, the maximum that councils can claim is £20,000 per plan, once a date for a neighbourhood plan referendum has been set.

- 8.3 The Council received a total grant of £10,000 for the designation of the neighbourhood area and forum in 2014/15, which has been spent in previous years. The Council is now able to apply to MHCLG for £20,000 following the neighbourhood plan referendum. The Council has since spent approximately £18,439, including consultation publicity, the examination, and referendum which will be funded by the grant of £20,000.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 As set out in paragraph 2.1 of this report, the Neighbourhood Plan has acquired full statutory weight having been approved at the local referendum. It is used by the Council to determine planning applications in the Neighbourhood Area.
- 9.2 The Adoption of the Neighbourhood Plan concludes the neighbourhood plan making process. It confirms that the Council is satisfied that all of the relevant statutory requirements have been met. Following adoption, the Council will be able to continue using the Plan for making planning decisions. A report seeking modifications to the maps and description of the Local Green Space for Oak Hill Park (Site 2) will be brought to the Cabinet Member for Investing in Communities to consider.
- 9.3 The Government has now published regulations relating to the review of neighbourhood plans. It will be for the Forum to decide whether it wishes to update its neighbourhood plan policies or prepare a replacement plan in the future.

10. APPENDICES

- Appendix 1. Designated Neighbourhood Area
- Appendix 2. Hampstead Neighbourhood Plan – Referendum version
May 2018 (including Appendices)
- Appendix 3 Adoption Statement
- Appendix 4 Equalities Impact Assessment /EqIA (prepared by
Camden Council).

REPORT ENDS