

Dartmouth Park Neighbourhood Plan

Decision Statement

1. Summary

- 1.1 Following an independent examination of the Plan, Camden Council recommends that the Dartmouth Park Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 of this statement.
- 1.2 The Council concur with the Examiner's recommendation that the referendum area for the Dartmouth Park Neighbourhood Plan (as modified) should be the approved Neighbourhood Area as set out in Figure 1A of the Plan.
- 1.3 The Decision Statement, Examiner's Report and other documents can be inspected on the Council's website at www.camden.gov.uk/neighbourhoodplanning. Copies are also available for inspection in the libraries at :
 - **5 Pancras Square**, London N1C 4AG (Opening hours: Mon – Sat 8am- 8pm, Sun 11am -5pm) ,
 - **Highgate Library**, Chester Road, N19 5DH; Opening hours: Tue to Wed 10am to 5pm, Thurs 10am to 7pm, Sat 10am to 4pm and
 - **Kentish Town Library**, 262-266 Kentish Town Road, NW5 2AA (Opening Hours: Mon - Thu 10am – 7pm, Fri 10am – 5pm, Sat 11 – 5pm)
- 1.4 The Neighbourhood Plan, if approved at referendum, will be used alongside Council plans when making decisions on planning applications in the Neighbourhood Area. In line with recent changes to the regulations, on being approved at referendum the Plan becomes part of the statutory development plan for the area.

2. Background

- 2.1 On 7 October 2013 Dartmouth Park Neighbourhood Forum was approved as the qualifying body for the area and the boundary of the Neighbourhood Area was designated by the Council, in accordance with Section 61G of the Town & Country Planning Act 1990. The Forum was redesignated for a further five year period on 17 December 2018. The area comprises of the predominantly residential area of Dartmouth Park. The area is bounded by Highgate Road to the west and Parliament Hill and Dartmouth Park Hill to the east.
- 2.2 The Neighbourhood Plan was published by the Dartmouth Park Neighbourhood Forum for Regulation 14 pre-submission consultation in April - June 2018.
- 2.3 Following the submission of the Dartmouth Park Neighbourhood Plan to the Council in January 2019, the Plan was publicised and comments invited from the public and stakeholders from 14 March - 3 May 2019.
- 2.4 Camden Council, in consultation with the Dartmouth Park Neighbourhood Forum, appointed an independent examiner, Mr David Hogger, to review whether the Plan met the basic conditions required by legislation and other legal requirements and should proceed to referendum. The Examiner considered that a public hearing into the Plan was not required.
- 2.5 The Examiner's report concludes that, subject to making recommended modifications, the Plan meets the basic conditions set out in legislation and

should proceed to a local referendum. The Examiner's report recommends that the area for the referendum should be the Neighbourhood Plan Area.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require a council to outline how it intends to respond to the recommendations of an examiner.
- 3.2 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft Plan set out in Table 1 of this Decision Statement in line with the Examiner's recommendations. These changes are considered to be necessary to ensure that the draft Plan meets the basic conditions and legal requirements.
- 3.3 The modifications set in Table 1 produce no significant changes to the policy and strategy of the Neighbourhood Plan overall. Therefore a further Strategic Environmental Assessment or Habitats Regulations Assessment is not required. Camden Council has undertaken an Equalities Impact Assessment of a draft version of the Plan.
- 3.4 Camden Council agrees:
- A) That the recommendations of the Examiner and the subsequent amendments proposed as set out in Table 1 be accepted.
- B) That the Examiner's recommendation that the Dartmouth Park Neighbourhood Plan, as modified, proceed to referendum on the basis that the Plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan and comprises provisions that can be made by such a document.
- C) That, in accordance with the Examiner's recommendation, the referendum area be the Neighbourhood Area as designated by the Council on 7 October 2013.
- 3.5 Accordingly I confirm that the draft Dartmouth Park Neighbourhood Plan as modified:
- i. Meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990;
 - ii. Is not considered to breach or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998); and
 - iii. Complies with the provisions made by or under 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Signed

Cllr Danny Beales Cabinet Member for Investing in Communities

Date 27/9/2019

Table 1: Examiner’s recommendations and Camden Council’s response

No	Policy / text in the Neighbourhood Plan submission draft	Examiner’s report para.	Examiner’s recommended modifications New text shown as <u>underlined</u> Deletions shown as striethrough	Camden Council’s response and reasons for change
PM1	Chapter 2 : Vision and Objectives Third paragraph, last sentence - Page 9	4.11It adds that “Another essential component of the area is the contribution of social housing that includes the Brookfield Estate from the 1920s, the York Rise Estate (1930s), the Highgate Road flats (1950s and ‘60s) and the Whittington Estate of the 1970s.” To this can be added the <u>very more</u> recent Chester Balmore development.	Agree to modification, which is a factual correction for clarity.
PM2	Chapter 2 : Vision and Objectives Amend the fourth bullet point under section 2.2 Issues and opportunities to read:	4.12	<ul style="list-style-type: none"> Improving the quality of local roads and streets as walking, and-cycling <u>and public transport</u> routes, while mitigating the transport and environmental effects consequences of development and movement at locations on key routes into Central London and on a <u>the</u> busy east-west route (which includes Chetwynd Road). 	Agree to modifications for the reasons below. The proposed amendments are intended to improve the clarity of the vision and objectives.

<p>PM3 PM4 PM5</p>	<p>Policy DC1 (b) Page 20 and supporting text page 21</p>	<p>4.14 – 4.16</p>	<p>Policy DC1 Enhancing the sense of place.</p> <p>.....</p> <p>b) maintaining and enhancing the green and leafy character of the Area, which contributes to the sense of place and semi-rural <u>character of the attractive well-developed suburban area</u>, by ensuring that developments:</p> <p>(i) maintain existing green or <u>and other</u> open spaces, and (ii) create additional green or open spaces in accordance with Camden's policies; and</p> <p>Amend supporting text</p> <p>First paragraph</p> <p>DC1(b) aims to maintain and enhance the semi-rural <u>attractive suburban</u> nature that characterises the Neighbourhood Area.</p> <p>.....</p> <p>Amend last part of second sentence to read:</p> <p>Policy DC1(b) therefore has two aspects: (i) to maintain existing green or open spaces, and (ii) to ensure that developments create new green or open spaces. As discussed above, despite the Area's green and leafy feel, there is comparatively <u>little space available for public use in the eastern part of the Neighbourhood Plan area</u> actually open to the public, as is evident from the map showing locations deficient in access to open space in Camden's Local Plan (map 2, p. 176).....</p>	<p>Agree to modifications for the reasons below.</p> <p>The examiner considered the changes were required to ensure the accuracy of the policy and supporting text.</p>
<p>PM6 PM7</p>	<p>Policy DC2</p>	<p>4.17 – 4.18</p>	<p>Policy DC2 Heritage assets</p>	<p>Agree to modifications for the reasons below.</p>

		<p>Protect and preserve Preserve or enhance the Dartmouth Park Conservation Area, historic buildings and buildings of architectural merit and their settings, by:</p> <p>(a) in the case of developments within the Dartmouth Park Conservation Area, including alterations or extensions to existing buildings, ensuring that the development preserves or enhances the character or appearance of the Conservation Area;</p> <p>(b) in the case of Listed Buildings, only permitting development where the design of the development is demonstrated to be of a high standard led by the character, appearance and scale of the Listed Buildings themselves;</p> <p>(c) in the case of any development affecting: <u>any of the buildings (or the setting of any such buildings) that make a positive contribution to the character or appearance of the conservation area, as identified in the Conservation Area Appraisal (Appraisal Appendix 2), only permitting development that is designed to a high standard, or preserves or enhances the character or appearance of the conservation area and makes a positive contribution to local distinctiveness;</u></p> <p>(i) any of the 'buildings that make a positive contribution to the character and appearance of the conservation area' identified in the Conservation Area Appraisal (Appraisal Appendix 2); or (ii) any of the locally-listed and other heritage assets identified in Appendix 2,</p> <p>or the settings of any of them, only permitting development that is designed to a high standard, preserves or enhances the character of the Conservation Area and makes a positive contribution to local distinctiveness; and</p> <p><u>(d) In the case of development affecting any of the locally listed and other heritage assets identified in Appendix 2, or their</u></p>	<p>The proposed amendments were suggested by the Examiner to ensure consistency with national legislation and Local Plan policies.</p>
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PM8	Supporting text to DC2	4.18	<p>In the penultimate paragraph on page 23 start the sentence with: Amend text in penultimate paragraph on page 23</p> <p><u>DC2(c) and (d).</u></p> <p>There are currently 7 buildings or other heritage assets in our Area on Camden’s local list; see the list in Part A of Appendix 2. In addition to those buildings, the Forum has identified additional buildings and assets that we believe merit protection but that are not currently on Camden’s local list; these are identified in Part B of Appendix 2. While this latter group will be put forward for inclusion in Camden’s local list, we understand that it is uncertain whether those already identified as positive contributors to the conservation area will be added to the local list. This is because they already benefit from some protection under paragraph 200 of the NPPF. They nevertheless are highly valued by residents of the Area, who would like to see their significance recognised locally. The intention is therefore for all these non-designated heritage assets (whether included in the local list or not) to be dealt with in the same fashion. For all these buildings, while alteration and improvement to the residential stock is allowed and encouraged, they should be designed to a high standard, should preserve or enhance the character of the Conservation Area (where within the Conservation Area) and make a positive contribution to local distinctiveness. Under paragraph 197 of the NPPF, in weighing applications affecting these non-designated heritage assets, a</p>	<p>Agree to modifications for the reasons below.</p> <p>These are consequential changes from the change to the policy above and will improve clarity of the Plan.</p>

			<p>balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>DC2(d) (e) addresses the need to consider the preservation, repair and reinstatement of historic elements which reinforce the Conservation Area's</p>	
PM9	<p>The Baseline : people and homes section</p> <p>Para 4.3</p>	4.23	<p>Add a new sentence at the end of section 4.3 to read:</p> <p><u>The current housing target for the Borough of Camden is 1,120 homes per annum and Dartmouth Park will contribute towards meeting that need when suitable opportunities arise.</u></p>	<p>Agree to modifications for the reasons below.</p> <p>The amendment ensures that the housing need the Plan will contribute towards meeting is identified.</p>
PM10	<p>Policy H1 and supporting text</p>	4.23	<p>Policy H1 Meeting housing need</p> <p>Support and protect a range of provision to meet current and future housing needs, by:</p> <p>(a) supporting the building of more homes where there are opportunities which:</p> <p>(i) maintain the existing broad range of tenure (owner occupied, social rented and privately rented) and type of housing (from flats and smaller terraced houses to detached and semi-detached houses),</p> <p>(ii) preserve existing buildings that make a positive contribution to the character of the Area, and</p> <p>(iii) have scale and massing which respect that of surrounding buildings;</p>	<p>Agree to modifications for the reasons below.</p> <p>The Examiner thought that these policy criteria were design rather than housing focused and that this could cause confusion when using the policy. The amendments include consequential supporting text changes to ensure the Plan is clear and unambiguous.</p>

			<p>(b) taking a sympathetic approach to small roof, side and rear extensions to existing residential properties, where this can be achieved consistently with Policy DC4; and</p> <p>(e)(b) supporting developments which include small homes to allow older residents to downsize from family housing to smaller units and to provide first homes for younger people.</p> <p>Amend supporting text in last sentence in third paragraph on page 36 to read:</p> <p>While The policies reflected in H1(a) (i) and (ii) should be considered in the context of are also addressed in Chapter 3 (Design), they are included here to capture ...</p> <p>Delete all of last paragraph on page 36 which starts: H1(b) seeks to make</p> <p>Consequential changes to the supporting text :</p> <p>And amend first paragraph on page 37</p> <p>Policy H1(e)-(b) addresses</p>	
PM11	Policy CE1	4.27 – 4.28	<p>Policy CE1 Supporting Neighbourhood Centres</p> <p>Our Neighbourhood Centres will be retained and supported as the focus of local shopping and services, by:</p> <p>(a) resisting developments that would result in less than half of ground floor premises within a Neighbourhood Centre as a whole being in retail (A1) use or in more than three consecutive premises being in non-retail (non-A1) use, unless it is demonstrated that the proposal is consistent with the individual character of the Neighbourhood Centre, will significantly enhance the vitality and viability of the Centre and would not detract from its function as a local shopping area;</p>	<p>Agree to modifications for the reasons below.</p> <p>The Examiner stated that the criterion is not a land use matter or a matter that can be achieved through a planning policy. Removal would ensure the Plan is clear an unambiguous.</p>

			<p>(b) without limitation to Policy CE1(a), ensuring that at least 80% of units and businesses within the Neighbourhood Centre as a whole provide local shopping and services within the planning use classes defined below (and not including any uses (other than as a launderette) that do not fall within any particular use class) (known as 'sui generis'), unless it is demonstrated that the proposed use is consistent with the individual character of the Neighbourhood Centre, will significantly enhance the vitality and viability of the Centre and would not detract from its function as a local shopping area;</p> <p>(c) ensuring that new individual units (other than public houses and restaurants) do not exceed 100 sq. m. (approx. 1100 sq. ft.) ground floor area, including an adequate area for storage; <u>and</u></p> <p>(d) ensuring that any development encourages independent businesses or enables new independent businesses to establish themselves; and</p> <p>(e) encouraging the establishment of a Retail Forum of local residents and businesses to advise the developer on the mix of businesses in any new development.</p> <p>Consequential supporting text change includes removing reference to Policy CE1 e and replacing It with the Forum</p>	
PM12	Fig 7A (page 70) and Appendix 4 (page 125)	4.33	<p>Provide larger scale plans of the green spaces (as identified on Fig 7A) in Appendix 4 which differentiate between the different types of open space and identify their boundaries more clearly. Provide a cross-reference on Fig 7A to the detail provided in Appendix 4.</p> <p>Consequential changes include change to text in Policy ES1 to reference the maps in Appendix 4.</p>	<p>Agree to modifications for the reasons below.</p> <p>The Examiner felt that larger scaled maps would be easier to read and boundaries easier to decipher. This modification</p>

				will ensure the Plan is clear and unambiguous.
PM13	Fig 7A	4.34	<p>Improve the accuracy of the boundaries of the identified local green spaces. In particular:</p> <ul style="list-style-type: none"> • LGS2 Highgate Enclosures should not include roads and should be re-titled as Highgate Enclosures and Grove Terrace Squares. • LGS4 Mortimer Terrace Nature Reserve should be drawn to be consistent with the other green spaces. Clarify what the status is of the area bounded by a dotted line and referenced as '4' on Fig 7A. • LGS5 York Rise should exclude parking areas and temporary buildings and should have the same boundary style on the plan as the other identified areas. • LGS8 Haddo House should exclude the area of car parking and service road. • <p>OGSB Lissenden Gardens should not include the private back gardens.</p>	<p>Agree to modification</p> <p>The proposed amendments will remove potential confusion and aid decision making. Specifically:</p> <p>LGS2 - amended as detailed.</p> <p>LGS4 - boundary has been amended to a solid line rather than the dotted line. Area to the south of the railway removed from the Open Space Map as this is related to a biodiversity area and is shown on a separate map, amended Fig 7</p> <p>LGS5 and LGS8 - modified as detailed</p> <p>Other Green Space B – Lissenden Gardens - amended to remove the largest of the three spaces as private back garden area as detailed and do not merit protection as designated open space.</p>

PM14	Fig 7A Page 70	4.35 – 4.36	Delete from the plan, figure 7A, Appendix 4 and the key: C Gardens of La Sainte Union Des Sacres Coeurs School and D Grounds of Parliament Hill and William Ellis Schools	Agree to modifications for the reasons below. The Examiner considers there is no evidence to support the inclusion of these parcels of land which are part of educational establishments.
PM15	Third paragraph on page 71	4.37	Replace ES3(c) with ES1(c).	Agree to modification to correct a typo .
PM16	Policy ES2 Page 72	4.38	Policy ES2 Trees Protect, promote and increase the number of healthy trees that contribute to the character of the Area, individual streetscapes and green spaces, by ensuring that development: (a) retains significant trees which.....	Agree to modifications for the reasons below. The Examiner considers that it is not clear what the wording means and no supporting text to explain is provided. It should therefore be removed in the interest of clarity.
PM17	Policy TS1 Page 83	4.41	Policy TS1 Safety and accessibility for pedestrians and cyclists. Make Dartmouth Park safer and more accessible for pedestrians and cyclists, by: (a) where the developer is responsible for entrances to and exits from a development, providing continuous footways and cycleways <u>vehicle crossovers</u> across those entrances and exits, so such <u>such</u> that drivers give way to pedestrians <u>and where appropriate cyclists</u> ;	Agree to modifications for the reasons below. The Examiner considers that the wording is a non standard arrangement which is not supported by legislation and should be amended for clarity.

PM18	Policy TS3 Page 87	4.44	<p>Policy TS3 Traffic reduction Reduce the effects of traffic on residents in Dartmouth Park, by:</p> <p>(a) in respect of non-residential developments (and in particular developments of or affecting schools, shops and other workplaces), requiring car parking to be limited to that designated for disabled people where necessary or that essential (and not merely convenient) for operational or service needs of the development and, where car parking is essential, requiring it to be provided within the site. It is recognised that schools in Dartmouth Park have access to excellent public transport and car parking places should not be included in developments within schools; <u>and</u></p> <p>(b) strongly supporting developments that remodel existing sites to remove onsite parking, driveways and pavement cross-overs for vehicles; <u>and</u></p> <p>(c) in respect of non-residential developments, requiring electric vehicle charging points to be installed in sufficient numbers to serve any new or replacement onsite parking spaces that are permitted under other planning policies.</p> <p>Consequential changes to supporting text to remove reference to deleted sections.</p>	<p>Agree to modifications for the reasons below.</p> <p>The examiner states that the wording could give rise to confusion and potentially undermine Camden’s strategic approach to car free development</p>
PM19	Second paragraph on page 89	4.45	<p>This Chapter sets out how the Forum wishes to see the community involved in development choices from the earliest possible stage and outlines the factors and aspirations that the local community believes should be considered if proposals for development of these Specific Neighbourhood Sites are brought forward. <u>These aspirations do not form part of the Development Plan.</u></p>	<p>Agree to modifications for the reasons below.</p> <p>The examiner felt that it should be made clearer that the aspirations do not form part of the Development Plan</p>

				to avoid confusion and ensure clear decision making.
PM20	Policy SNS1 Page 91	4.48	<p>Delete the shaded box but retain the text currently within it, with the exception of Policy SNS1 which should be deleted.</p> <p>Justification for Policy SNS1: This policy aims <u>The aim is to</u> provide a mechanism to facilitate the involvement of local people in the development process at each meaningful stage, and to link that involvement clearly to the policies in the Plan.</p> <p>Consequential change needed to supporting text and throughout the Plan include amending Table on 10.1 to remove reference to Policy SNS1 on page 107. Remove from Map 2 reference to policy SNS1 and identified sites.</p>	<p>Agree to modifications for the reasons below.</p> <p>The policy does not relate to the development and use of land and therefore would not meet the basic conditions. The amendment to supporting text ensures the aspirations within the policy are retained</p>
PM21	Section 10.1 Monitoring and Review Page 105	4.51	<p>Add a new sentence at the end of section 10.1 to read:</p> <p><u>The Forum will continue to co-ordinate community responses to planning and related issues; will work alongside and co-ordinate with the Dartmouth Park Conservation Area Advisory Committee where appropriate; and will focus on delivering the Projects identified in the DPNP as opportunities arise.</u></p>	<p>Agree to modifications for the reasons below.</p> <p>The amendment will provide greater clarity regarding the role of the Forum</p>
PM22	All 'Figures' within the DPNP	4.53	<p>All plans within the document (titled Figures) should show a consistent NP boundary as identified on Fig 1A.</p> <p>All plans should be at a larger scale to ease interpretation.</p> <p>Fig 6A should have the names of the Neighbourhood Centres added.</p> <p>Consequential change to the document.</p>	<p>Agree to modifications for the reasons below.</p> <p>The amendments will ensure it is clear where the policies apply and consistent application of the plan.</p>

			All figures should be renumbered to be consequential and supporting text amended accordingly throughout the document together with the table on page vi.	
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