

# BASIC CONDITIONS STATEMENT

## 1.0 Introduction

The following pages set out the legally required additional information that accompanies the Redington Froggnal Neighbourhood Plan.

This document sets out the Basic Conditions which the plan needs to fulfil, in order to satisfy the requirements set out in legislation and to pass independent examination.

This document should also be read in conjunction with the Consultation Statement.

The basic conditions to be met by a Draft Neighbourhood Plan are set out in Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). They are that the Neighbourhood Plan:

- has regard to national policy and guidance from the Secretary of State;
- contributes to sustainable development;
- is in general conformity with the strategic policy of the Development Plan for the area or any part of that area;
- does not breach and is otherwise compatible with EU obligations, including the SEA Directive of 2001/42/EC, and Human Rights.

The legal tests also relate to the following conditions:

- the draft neighbourhood plan is submitted by a qualifying body;
- the draft neighbourhood plan sets out policies in relation to the development and use of land;
- the draft neighbourhood plan states the period in which the plan is to have effect;
- the policies do not relate to excluded development;
- the draft neighbourhood plan does not relate to more than one area.

The local authority has screened the neighbourhood plan and indicated that neither a Strategic Environmental Assessment nor Habitats Regulation Assessment are required.

## 2.0 Opening Statement

The Redington Froggnal Neighbourhood Forum (RFNF, the Forum) submitting the Plan is a qualifying body to submit a Plan. The RFNF meets the regulations of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

An application to designate the Neighbourhood Forum and the Neighbourhood Area that it covers was made to the relevant local authority, the London Borough of Camden, in May 2014. A public consultation on the Forum and Area applications took place between 26 June and 8 August 2014. The London Borough of Camden formally approved the designation of the Neighbourhood Area and the Neighbourhood Forum on 5th September 2014.

The Redington Froggnal Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The Neighbourhood Plan does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the neighbourhood area.

The policies in the Neighbourhood Plan do not relate to excluded development, such as minerals and waste matters or Nationally Significant Infrastructure Projects.

The Neighbourhood Plan, the Plan covers a period starting on a date to be determined in 2019 and ending on 31 December 2049.

The Plan covers an Area within the Froggnal and Fitzjohns ward, as described in the Introduction.

The main aims of the Neighbourhood Plan are set out in its Vision and Objectives. The Vision statement for the Plan states that:

*“We seek a future for the Redfrog area which preserves its green character and continues to serve as an area available to a wide range of family types and ages who live here rather than invest here. We believe that the Redfrog neighbourhood should celebrate its heritage and history and should continue to be a delightful area for any resident to stroll and enjoy.”*

The vision and objectives cover six areas:

1. Characteristics
2. Greenery and New, Green Public Realm
3. Enhancement of the Environment of Finchley Road
4. Sustainable Growth in the Redington Frognal Neighbourhood Area
5. Redington Frognal Conservation Area as Centre for Tertiary Education, the Arts and Culture
6. Basement Excavation

The Plan comprises seven policies (and sub policies) for the future development of Redington Frognal:

Policy SD: Sustainable Development

Policy BGI: Biodiversity and Green Infrastructure

Policy CF: Community Facilities

Policy DS: Aspirational Development Sites

Policy FR: Finchley Road: Shopfronts

Policy UD: Underground Development

Policy KR: Kidderpore Reservoir

The Plan also sets out Forum Actions to Deliver the Neighbourhood Plan, Notes for Developers and Design Briefs for Aspirational Development Sites.

### 3.0 Meeting the legal tests

Neighbourhood plans need to meet the following basic conditions (or legal requirements) must:

- have regard to national policy;
- be in general conformity with the strategic policies in the development plan of the local area;
- contribute to the achievement of sustainable development;
- be compatible with human rights requirements;
- be compatible with European Union regulations.

The following text sets out how the Redington Frognal Neighbourhood Plan has met the legal tests or basic conditions.

The Draft Redington Frognal Neighbourhood Plan (RFNP) has been produced by the Redington Frognal Neighbourhood Forum as qualifying body for the neighbourhood area. The Neighbourhood Forum and the Neighbourhood Area were approved by London Borough of Camden on 5 September 2014.

The policies contained in the RFNP relate to the development and use of land in the designated Neighbourhood Area. The Plan period is from 2019 to 2049 and this appears on the front cover of the plan.

The key stages of consultation undertaken in the development of the Redington Frognal Neighbourhood Plan are detailed in a separate Consultation Statement. The Regulation 14 Consultation ran from 28

October 2018 to 23 January 2019, exceeding the required period of six weeks. As a result of comments received from the London Borough of Camden, the policies have been restructured to make the plan less prescriptive, and a design policy, based on the original design codes added, but without specifying the amount of decoration, as this would not have met the Basic Conditions tests. A local heritage policy for Kidderpore Reservoir, has been added.

As a result of these modifications, a further Regulation 14 consultation ran from 24 July until 5 August.

### 3. MEETING THE BASIC CONDITIONS

#### 3.1 Having Regard to National Policy and Guidance and General Conformity with Strategic Local Policy

The Neighbourhood Plan has been prepared with regard to the national planning policies for England as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The Neighbourhood Plan takes the approach of regularly referencing the NPPF, and its relevant paragraphs, throughout the text of the document. It also draws on the language and terminology of the NPPF in the formation of its policies and makes use of the accompanying Planning Practice Guidance, as well as MHCLG Design Guidance, advice contained in DCLG Fixing Our Broken Housing Market and the Sir William Pitt review of the 2007 floods.

The table below sets out how the Neighbourhood Plan policies comply with the relevant sections of the NPPF, the 2016 London Plan, the Emerging London Plan and the 2017 Camden Local Plan.

The Neighbourhood Plan aims to adapt national and local policies to the particular conditions of the Plan Area in order to be able to apply a clarified and more detailed policy to better meet the specific needs of the Plan Area, which is virtually congruent with the Redington Froggnal Neighbourhood Conservation Area.

#### Evidence Base

The need for a neighbourhood plan to be evidence-based has guided the policies' development throughout and the Evidence Base for the Redington Froggnal Neighbourhood Plan is contained in a wide variety of documents.

These documents are held in the Forum's Google Drive, which is accessible from the Neighbourhood Forum's website. Documents held include:

- the National Planning Policy Framework (February 2019)
- the London Plan (March 2016)
- the Emerging London Plan
- Camden Council's adopted planning polices: Camden Local Plan (2017); Camden Planning Guidance (November 2017 or March 2018); Camden Site Allocations (adopted 9 September 2013)
- Redington Froggnal Conservation Area Statement and Guidelines (2003)
- Census data for Froggnal and Fitzjohn's ward, 2001 and 2011
- Camden Streetscape Design Manual
- Camden 2025 and Our Camden
- Arup RedFrog Sub Surface Water Features Mapping Report (April 2017).

The drafts of the Neighbourhood Plan prepared in advance of the final draft also form an important part of the evidence base and reflect how the Plan has developed.

The Redington Froggnal Neighbourhood Forum website also incorporates the minutes of all the Neighbourhood Forum meetings since the group was formed; as well as copies of the presentations given at meetings and workshops; and the results of the surveys carried out by the Neighbourhood Forum. For more detail, please see the Consultation Statement.

## NEIGHBOURHOOD PLAN POLICIES

### SD: SUSTAINABLE DEVELOPMENT

#### Sustainable Development Policies: National and Local Conformity

RFNP policy	NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy	RedFrog CA	
<b>SD</b>	<b>Building and development</b>					
SD 1	New developments and refurbishment of existing housing stock	184-186, 190, 192, 194	3.5, 3.8	GG6 B; D1 A2 and D1 A11; H2 para 4.2.9; H12; HC1; G5; G7	H1, H3, H6, H7, Strategic Housing Market	
SD 2	Protection of Undesignated Heritage Assets	184, 185, 186, 187b, 188, 190-196	7.8C, 7.8F	D2 paras 6.37, 7.1.3, 7.48-7.52	D2	
SD 3	Car-free development	70, 102, 103, 105, 122, 170,	6.13E, 7.14	GG3 C, D1 3.1.6; D7 L; T6; SI1, SI13	T1, T2, CC3, CC4	
SD 4	Redington Frogнал Sustainable Design and Character	50, 125-128, 148-150, 170, 171, 182, 190,	3.5A, 3.5B, 7.4, 7.6, 7.8D	GG2 C; GG6 B; D1 B; D1 3.1.4; D2 A and 3.3.2;	D1, D2, CC2	RF 18-19, RF 36
SD 5	Extensions to Existing Buildings	70, 118b, 122, 148-150, 170,	3.34, 3.5A, 7.19	GG6 B; D1 B, D1 para 3.1.4; G5; G6D;	A1, A3, A2 6.37, A5	RF 23-26, RF
SD 6	Key views designation		7.12	HC3F	A2 6.38	general statement
SD 7	Retention of architectural details	184, 186	7.8	HC1	D2	RF 13

### SD 1 NEW DEVELOPMENTS AND REFURBISHMENT OF EXISTING HOUSING STOCK

With much new development causing harm and cumulative harm to the Area, SD 1 seeks to adopt design and conservation principles to preserve and enhance the characteristics of the green and picturesque Victorian and Edwardian suburb, and to ensure that larger developments should support “a mixed range of population in terms of socio-economic and age groups”, where this is feasible. New development is to be designed to complement and respect the existing character of the area and its heritage buildings, while development outside the Conservation Area, whether residential or commercial, must enhance the setting of the Conservation Area.

The policy also provides for the measurement of biodiversity net gains, as advised by NPPF para. 175d, using the Urban Greening Factor set out in the emerging London Plan.

#### NPPF

SD 1 also draws on section 16 of the NPPF – specifically paragraphs 184-186, 190, 192, 194, which note the irreplaceable resource of heritage assets and the need for appropriate conservation and enhancement and to retain a mix of dwelling sizes to support a range of socio-economic groups.

#### London Plan 2016

London Plan policy 3.5 is concerned with attaining the highest quality and design of housing and para 3.32 sets out the key priority of “Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods.”

#### Emerging London Plan

Refurbishment of the existing housing stock is supported by Policy GG6, which recognises the need for buildings to adapt to climate change and improve energy efficiency. Policy D1 A 2 requires development to maximise urban greening and ecological enhancement and to “enhance local context by delivering buildings and spaces that positively respond to local distinctiveness”.

A 11 requires development to “respond to the existing character of a place by identifying the special and valued features that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute to the local character”.

1 Objective 1 of the Redington Frogнал Vision and Objectives Brochure

Small sites policy H2 para 4.2.9 raises the possibility of returning hard standing to green space.

Policy G5 also notes the importance of urban greening.

### **Camden Local Plan**

Local Plan policies supportive of this policy are H1 and H3, which aim to maximise the supply of homes, including through protecting existing homes, and H6 and H7, which aim to provide a range of dwelling sizes for the “creation of mixed, inclusive and sustainable communities” and large and small homes.

The urban heat island effect is also noted in the Local Plan in policy CC2. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts...”, while CC2a advises “adaptation measures such as the protection of existing green spaces and promoting new appropriate green infrastructure”.

## **SD 2 PROTECTION OF UNDESIGNATED HERITAGE ASSETS**

To try to afford greater protection against demolition of non-designated heritage assets, policy SD 2 includes a list of referenced buildings for which recognition is sought.

### **NPPF**

Section 16 of the NPPF supports the support preservation of heritage assets and unidentified heritage assets (eg. para 187b), and the communication of information about the historic environment (para. 188) and the request for local listing in policy BD 2 is therefore in compliance.

Para. 194 requires consideration to be given to “harm to, or loss of, the significance of a designated heritage asset” (such as conservation areas).

### **London Plan 2016**

Policy 7.8C of the London Plan requires development to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate” and 7.8F advises boroughs to include identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate. Para 7.31A confirms the NPPF protection for designated heritage assets.

### **Emerging London Plan**

Policy HC1 lends support to the presumption against demolition, with para 7.1.8 stating that evidence of deliberate neglect t a heritage asset to help justify a development proposal will be disregarded.

Local listing is supported by para 7.1.3, which advises “identification and sensitive management of London’s heritage assets”.

### **Camden Local Plan**

The desire to preserve heritage assets and their settings is reinforced in policy D2.

## **SD 3 CAR-FREE DEVELOPMENT**

### **NPPF**

SD 3 is supported by NPPF para 70 and paragraphs 102, 103 and 105 to promote sustainable transport use, in addition to para 122d which notes the desirability of maintaining an area’s prevailing character and setting (including residential gardens). Para. 170d recognises the importance of “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

From 26.10.2021, the RedFrog Area will become part of the Mayor of London’s Ultra Low Emission Zone (ULEZ) and SD3 is therefore supported by para. 181, which requires planning to sustain and contribute towards compliance with Air Quality Management Areas and Clean Air Zones.

### **London Plan 2016**

London Plan policy 6.13E b advises that, in locations with high public transport accessibility, car-free developments should be promoted and 7.14 aims to encourage sustainable travel behaviours.

### Emerging London Plan

Car-free development is addressed in policy T6 of the emerging London Plan, with T6 H noting that boroughs wishing to adopt more restrictive general or operational parking policies will be supported, including borough-wide or other area-based car-free policies. Para 10.6.1 notes that “new parking provision must be carefully controlled. The dominance of vehicles on streets is a significant barrier to walking and cycling reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services”.

### Camden Local Plan

Considerable support for this policy is also derived from Local Plan policies, including CC3, to ensure that development does not increase the risk of surface water flooding, and CC4, which aspires to improve air quality.

Support is also provided by Camden policy T1, which aims to prioritise active transport modes, and T2 which requires new development to be car-free

In particular, paragraph 10.17 specifies that

*“Car-free development means that no car parking spaces are provided within the site other than those reserved for disabled people and businesses and services reliant upon parking.....”*

Policy SD 3 takes the opportunity to clarify the interpretation of “new development” to apply to “all development, i.e. the creation of new units, the amalgamation of units and reconfiguration of developments, (including any new development which does not involve a net gain or loss of units) and extensions to existing buildings.” In view of the local trend for car lifts, SD 3 additionally extends Camden’s policy to apply to all parking within the site, including underground.

## SD 4 REDINGTON FROGNAL SUSTAINABLE DESIGN AND CHARACTER

In order to prevent new development detracting from and causing harm to the conservation area, this policy has been drawn up, to be applied across the conservation area’s eight sub areas.

The policy is sufficiently flexible to be applied across all sub areas for a range of building types, from detached and semi-detached houses, to terraced houses, mansion blocks, other blocks of flats, office blocks and buildings on Finchley Road.

Appendix SD Design Guidance provides further guidance provides further advice to help preserve and enhance the conservation area, and clarity of the Forum’s expectations. It is intended that the policy will deliver outstanding new development appropriate to the conservation area.

### NPPF

Support for such a design policy is available in the NPPF. Section 14 is also relevant in relation to policies SD 4 and SD 5, in particular paragraphs 148 to 150, meeting the challenge of climate change and flooding. SD 4 and SD 5 adopt a proactive approach to mitigating and adapting to climate change, notably surface water flood risk, biodiversity and the risk of overheating from rising temperatures.

### London Plan 2016

The design policy is compatible with London Plan policy 3.5A to promote high quality development to protect and enhance the residential environment, and 3.5B to take account of local character and density, to give green and sustainable neighbourhoods with distinct and positive identities.

The necessity to respond to local character and the historic environment is set out in 7.4, with 7.6 referring to the need for architecture to make a positive contribution to the streetscape, while 7.8D notes that *“development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”*. Para 7.31 of policy 7.8 similarly emphasises the importance of protecting conservation areas from *“inappropriate development that is not sympathetic in terms of scale, materials, details and form”*.

### Emerging London Plan

Policy H2 F incorporates a presumption in favour of residential conversions in conservation areas, while H2 para 4.2.7 requires boroughs to “explore opportunities for small housing developments in conservation

areas where these will complement and enhance the area”. Furthermore, H2 para 4.2.9, recommends that small housing developments could include measures such as returning hard standing to green space.

The need for development proposals to utilise the heritage significance of a site or area and integrate conservation and enhancement of heritage assets and their settings is set out in policy HC1 and also in policy D1 B

Support for the urban greening element of the Redington Froggnal design policy is contained in policies G5 and D1 para 3.1.4.

### Camden Local Plan

Key elements of the Redington Froggnal design policy is very well supported by local plan policies, notably D1, which requires high quality design to :

- a. respect local context and character;
- b. preserve or enhance the historic environment and heritage assets in accordance with Policy D2 Heritage
- e. comprise details and materials that are of high quality and complement the local character
- j. respond to natural features and preserve gardens and other open space
- l. incorporate outdoor amenity space;
- m. preserve strategic and local views. [The local views in the Plan Area especially include views through the gaps between buildings, which afford views of well vegetated rear gardens with trees, and verdant streetscapes of hedges and trees in front of Edwardian and Victorian architecture.]

The design policy also accords well with policy D2 Heritage, which stipulates that, “In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas” and

- “e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage.”

Policy CC2, to protect existing green spaces and promote new appropriate green infrastructure, to not increase and, where possible, to reduce surface water run-off, and reduce the impact of urban and dwelling overheating, is also relevant.

The Redington Froggnal design policy is informed by the Redington Froggnal Conservation Area Statement and Guidelines, which have the status of supplementary planning documents, but constitute a material consideration. Development which enhances and preserves the area incorporates the principles, contained in the 2003 Guidelines, such as:

**RF 18** ...“New development should be seen as an opportunity to enhance the Conservation Area. It should respect the existing built form and historic context of the area, local views, building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.

**RF19** The Redington/Froggnal Conservation Area has a variety of building types, ages and styles. In the past new development has not always been respectful of that context. ... Applicants will be required to demonstrate that their proposal respects and reflects the context in terms of scale, height, massing and relationship to the street.

**RF36** All new development should have a high standard of external space (landscape) design, which should respect the character and appearance of the Conservation Area.

The importance of front gardens is apparent from the statement that, “A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted.”

## SD 5 EXTENSIONS TO EXISTING BUILDINGS

Gardens are key to the setting of the conservation area and its non-designated heritage assets.

With extensions and other hard surface and garden buildings having utilised so much of the available garden space since the buildings' original construction dates, SD 5 seeks to ensure that garden space is maintained, including for biodiversity and climate change mitigation. This will be achieved by setting limits on further garden losses, in order for future development to be sustainable and to ensure that applicants do not continue to build extensions of extensions of extensions.

### NPPF

SD 5 makes use of NPPF para. 70, which states that, "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

Paragraph 118b recognises the value of undeveloped land to functions, such as wildlife, recreation, flood risk mitigation, cooling/shading and carbon storage.

### London Plan 2016

Policy 3.5 and para 3.34 note the importance of back gardens: "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life". As noted above, policy 7.8 para 7.31 emphasises the importance of protecting conservation areas from "inappropriate development that is not sympathetic in terms of scale, materials, details and form".

Policy 7.19 para 7.58A regards the value of green infrastructure not designated as local open space as a material consideration.

### Emerging London Plan

Conservation of the significance of heritage assets and their setting is sought from policy HC1 C, with a requirement for cumulative impacts to be actively managed and the avoidance of harm.

Policies in the emerging London Plan with implied recognition of the utility available from private gardens include G1 and G6 D, which notes that, "Development proposals should aim to secure net biodiversity gain and be informed by the best available ecological information which should be considered from the start of the development process".

### Camden Local Plan

Limits on the size of extensions are consistent with Camden policy A1, which seeks "to ensure that the amenity of communities, occupiers and neighbours is protected", along with their "visual privacy, outlook; sunlight, daylight and overshadowing."

Policy D1j expects design to respond to natural features and preserve gardens and other open space, as does policy A3c, which seeks "the protection of other features with nature conservation value, including gardens, wherever possible".

Also in A3, paragraph 6.68 expects that "In many developments, it should be feasible to incorporate biodiversity enhancing measures. These can deliver a wide range of environmental and social benefits. This includes retrofits of existing buildings.....".

Policy A2 also aims to protect rear gardens and para. 6.37 recognises that gardens can important element in the character and identity of a local area, provide a setting for buildings, provide visual interest and natural habitats.

Protection of gardens because of their particular importance to the character of the Plan Area is reiterated by A5 paras. 6.139 and 6.140.

Policy CC2, to protect existing green spaces and promote new appropriate green infrastructure, to not increase and, where possible, to reduce surface water run-off, and reduce the impact of urban and dwelling overheating, is again also relevant to maximising the remaining area of soft-surfaced natural space.



SD 5 is also compatible with the Guidelines contained in the Conservation Area Statement; eg:

- RF23** Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.
- RF24** Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions depends on the particular site and circumstances.
- RF25** Rear extensions will not be acceptable where they would spoil a uniform rear elevation of an unspoilt terrace of group of buildings.
- RF26** Conservatories, as with extensions, should be small in scale and subordinate to the original building and at ground floor level only. The design, scale and materials should be sensitive to the special qualities of the property and not undermine the features of original building.
- RF37** Applications for development should take into account the possible impact on trees and other vegetation, and state clearly whether any damage/ removal is likely and what protective measures are to be taken to ensure against damage during and after work. BS 5837: 1991 shall be taken as the minimum required standard for protection of trees. All trees within 10 metres of a development proposal should be clearly identified. This also applies to underground development. ....”

## SD 6 KEY VIEWS DESIGNATION

The NPPF does not appear to include a paragraph that is directly relevant to SD 6.

### London Plan 2016

London Plan policy 7.12J observes that boroughs may wish to designate local views.

### Emerging London Plan

Protection of local views that make a contribution to the character of the Plan area, is considered in policy HC3 F and para. 7.3.1

### Camden Local Plan

Para. 6.38 of policy A2 provides important support for the designation of views which are key to conservation areas:

*“We will seek the retention of important views and glimpses of green space where these have been identified in a conservation area appraisal or development brief, particularly where schemes are unable to meet the requirement to provide public open space on-site, to enhance the amenity of residents and occupants. Spaces above rooflines, gaps between buildings and even small, sometimes isolated pockets of amenity space, can be vital in supporting the notion of openness, provide visual interest, soften the built environment and contribute to wellbeing. These views may also help to define the significance of heritage assets.”*

Para. 6.34 of policy A2 provides support for support for views into and out of open spaces (such as the Local Green Spaces identified in Redington Froggnal policy BGI 5)

The Redington Froggnal Conservation Area Statement notes the importance of views and vistas to the area's character:

*“Of great significance to the area's character are its contours and slopes causing numerous views and vistas and giving emphasis to many of the buildings .”*

## SD 7 RETENTION OF ARCHITECTURAL DETAILS IN EXISTING BUILDINGS

### NPPF

SD 7 Conservation of heritage assets “in a manner appropriate to their significance” (para. 184) so that the area retains its “special architectural or historic interest” (para. 186) provide the guidance for BD 6.

### London Plan 2016

Support for the retention of architectural details may be derived from London Plan policy 7.8.

### Emerging London Plan

D9 para 3.9.5 states that, “The Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm..... including any cumulative impacts, alongside other relevant local circumstances when developing their own policies for basement developments”.

### Camden Local Plan

The importance of retaining architectural details has also been highlighted in the 2003 Conservation Area Guidelines, eg:

**RF13** In all cases, existing/original architectural features and detailing characteristic of the Conservation Area should be retained and kept in good repair, and only be replaced when there is no alternative, or to enhance the appearance of the building through the restoration of missing features. Original detailing such as door/ window pediments and finials, iron balustrades, timber framed sash windows, doors, roof tiles, decorative brickwork, boundary walls and piers, where retained add to the visual interest of properties, and where removed in the past replacement with suitable copies will be encouraged. Original, traditional materials should be retained wherever possible and repaired if necessary.

## BGI: BIODIVERSITY AND GREEN INFRASTRUCTURE

The NPPF includes many paragraphs supportive of retaining gardens and their role in providing habitat for biodiversity. Indeed, paragraph 20d notes that “conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation” should be a strategic policy, while 91c focuses on the need for accessible green infrastructure for healthy lifestyles.

Grass and other vegetation act as a carbon sink, storing and sequestering carbon and filtering NOx gasses and particulate matter. The BGI policies are compatible with the aims of 148 to 150 to meet the challenges of climate change and surface water flooding (a local risk).

### Biodiversity and Green Infrastructure Policies: National and Local Conformity

RFNP policy	NPPF paragraph	2016 London Plan	Emerging London	Local Plan	RedFrog	
<b>BGI</b>	<b>Biodiversity and green infrastructure</b>	20d, 91c, 150a, 170, 171, 174, 175d	3.34, 3.5A, 5.1, 7.8A, 7.8D, 7.19	GG6 B, G1, G5, G6, G7, HC1	CC2, A3	
BGI 1	Rear Gardens and Ecology	20d, 70, 118b, 122d, 148-150,	3.5 para 3.33-3.34, 5.1, 5.9,	GG6 B, HC1, G1, G5, G6	A3 6.63, A3c, A3d, A2	RF 1
BGI 2	Front and side gardens; front boundary treatments for new developments	70, 122d, 148, 150a, 171	3.34, 5.9, 7.8D	D7L, HC1 C, G1	T2 10.21, A2 6.37, CC2	RF 8-9
BGI 3	Tree planting and preservation	70, 122d, 148, 150a, 170b,	5.1, 5.9, 7.8D, 7.21	GG6 B, HC1, G1, G7	A3	RF 35-37
BGI 4	Lighting	180c	7.19 para 7.61	D9 3.9.5	A1, 6.6-6.7	
BGI 5	Local green spaces	91c, 99, 100	2.18,	GG2 D; G1;	A2, A3 6.70	

## BGI 1 REAR GARDENS AND ECOLOGY

This sub policy adopts a green infrastructure approach and provides copious evidence of the importance of private residential gardens to the area's green infrastructure and for biodiversity. It sets out to demonstrate that, cumulatively, the gardens constitute a significant ecological network. This ecological network has been mapped by Greenspace Information for Greater London (GiGL).

Harm to the setting of the Conservation Area and its non-designated heritage assets has considerably accelerated since the current Conservation Area Statement and Guidelines were published in 2003. Since publication, further harm has been occasioned to front gardens, with rear gardens also now compromised, in addition to losses of trees and hedges.

### NPPF

Support for this approach is available from paragraphs:

- 20d (as above);
- 70: “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”;
- 118b: planning policies should “recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage.....”;
- 122d, which notes “the desirability of maintaining an area's prevailing character and setting (including residential gardens)...”;
- 148 to 150a, mitigating climate change and surface water flooding ;
- 171 Conserving and enhancing the natural environment (paragraphs 171, which requires “a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital...”;
- 174 to protect and enhance biodiversity, promote its conservation and pursue opportunities for securing measurable net gains. Losses of trees, hedges and biodiverse habitat are to be minimised and areas of soft natural surface, hedgerows and rear garden tree corridors maximised.
- 175d, which provides that “development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

### London Plan 2016

Paras 3.33 to 3.34 of policy 3.5 affirm the importance of London's back gardens and the threat from inappropriate development, while policy 7.8G notes the need to improve the settings of heritage assets in conjunction with Natural England. Policy 7.19 para 7.58A regards the value of green infrastructure not designated as local open space as a material consideration.

Policies concerned with climate change mitigation and the prevention of overheating, such as 5.9 (para 5.49) and 5.10, also lend support to RF policy BGI 1, which seeks the retention of biodiverse green infrastructure and habitat.

### Emerging London Plan

A green infrastructure approach to development is supported by policies G1 and G6 B 1, which notes the importance of “to identify coherent ecological networks”. Policy G6 B 3 advises that local plans should “support the protection and conservation of priority species and habitats that sit outside of the SINC network.”

G6 D states that, “Development proposals should aim to secure net biodiversity gain and be informed by the best available ecological information which ement should be considered from the start of the development process”.

### Camden Local Plan

Policy BGI draws support from Camden policy A3, which aims to support both the London Biodiversity Strategy and the Camden Biodiversity Action Plan, and specifically:

- A3c, which seeks protection for “features with nature conservation value, including gardens, wherever possible.”
- A3d: “assess developments against their ability to realise benefits for biodiversity.....”
- 6.63 “The Council will also seek the retention of other areas with nature conservation value, such as gardens. Development will be resisted where it would result in the loss of an excessive part of the garden or garden space which contributes to the character of the townscape. Native hedgerows and vegetation comprised of native species should be retained as far as possible.....”

Policy A2 also aims to protect undeveloped gardens through para. 6.37, which notes:

*“Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape. Part of the established character of these spaces may also be defined through features such as railings and garden walls. We will seek the retention of these features where they make a positive contribution to townscape value.”*

Policy CC2 notes that appropriate measures should ensure the future resilience of communities and infrastructure to climate change impacts...”, while CC2a advises “adaptation measures such as the protection of existing green spaces and promoting new appropriate green infrastructure”.

The Redington Froggnal Conservation Area Statement notes the importance of mature trees, dense vegetation and gardens to the Area’s verdant quality, ecological balance and character and appearance:

*“In addition the rear gardens, many of which are sizeable, make a contribution of their own to the areas verdant quality. The gardens also contribute to the ecological balance of the area.*

## BGI 2 FRONT AND SIDE GARDENS; FRONT BOUNDARY TREATMENTS FOR NEW DEVELOPMENTS

BGI 2 aims to preserve front and side gardens and front boundary treatments and prevent harm to streetscapes.

### NPPF

The policy is supported by para. 70 to resist development that would cause harm to the local area, by 122d, 148 (to reduce surface water flood risk and improve resilience); 150a (for new development to avoid increased vulnerability to the range of impacts arising from climate change, with adaptation measures, including the planning of green infrastructure); and 171 (to maintain and enhance networks of habitats and green infrastructure).

### London Plan 2016

No policy appears to be of direct relevance.

### Emerging London Plan

Policy D7 L advises that “any on-street parking is designed so that it is not dominant or continuous, and that there is space for green infrastructure as well as cycle parking in the carriageway. Parking should not obstruct pedestrian lines.”

Conservation of the significance of heritage assets and their setting is sought from policy HC1 C, with a requirement for cumulative impacts to be actively managed and the avoidance of harm.

## Camden Local Plan

Policy T2d in the Camden Local Plan aims to “resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking” and para. 10.21 specifically states that,

*“Parking can cause damage to the environment Trees, hedgerows, boundary walls and fences are often the traditional form of enclosure on Camden’s streets, particularly in conservation areas, contributing greatly to their character, as recognised in Camden’s Conservation Area Appraisals and Management Strategies. This form can be broken if garden features are replaced by areas of paving or hard standing. Development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Areas of paving can also increase the volume and speed of water run-off. This adds to the pressure upon the drainage system and increases the risk of flooding from surface water. Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted.”*

Similarly, para. 6.37 of policy A3 aims to protect garden walls.

The importance of retaining front gardens reinforced in the 2003 Conservation Area Guidelines, where it is noted that, “A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted.”

Other relevant Guidelines are:

**RF 8** *“Alterations to the front boundaries between the pavement and houses can dramatically affect and harm the character of the Conservation Area. Boundaries in the Conservation Area are predominantly formed by walls, either with railing or hedges. The original features of the boundaries may vary. Where there are low walls alongside the road and within properties they add to the attractive appearance of the front gardens and architectural setting of buildings. Proposals should respect the original style of boundary and these should generally be retained and reinstated where they have been lost. Particular care should be taken to preserve the green character of the Conservation Area by keeping hedges. The loss of front boundary walls where it has occurred detracts from the appearance of the front garden by reducing the area for soft landscaping in this urban residential area. Furthermore, the loss of front boundary walls facilitates the parking of vehicles in part of the property, which would adversely affect the setting of the building and the general street scene.*

**RF9** The Council will resist any further loss of front boundary walls and conversion of front gardens into hardstanding parking area.

To address some of the harm that was already apparent in 2003, it was recommended that an Article 4 Direction be introduced:

*“The analysis of the Conservation Area undertaken for this Statement led to an initial assessment of the suitability of applying an Article 4 Direction in the Conservation Area. It was recognised that in some locations in the Conservation Area further protection of certain features, in particular front boundaries, forecourts and windows, will be considered. At the time of publication there are no Article 4 Directions that have been applied to properties within the Redington/Frogna Conservation Area.”*

## BGI 3 TREE PLANTING AND PRESERVATION

Trees contribute greatly to the setting of streets and buildings, as well as being important for many other reasons, from shade and cooling to carbon storage and sequestration, health and well being and for wildlife for foraging and commuting and roosting. The policy also seeks to afford protection to the veteran trees (depicted on the 1866 Ordnance Survey map for Hampstead) and, in recognition of their unique ecosystems, character and heritage.

Trees are increasingly being lost and the canopy diminished, as seen from ProximTREE data for the period from 1949 to 1981 to 2010 and 2015/16. The policy therefore seeks to increase the number of trees and tree canopy, to enhance biodiversity, strengthen the townscape character for climate change mitigation and health and well being.

The right tree for the right site within the context of the ecological network of the Plan Area is invariably one with a high value to biodiversity and a generous leaf canopy.

### NPPF

Support for tree planting and preservation is provided by paragraphs 70, 122d, 148 and 150a, in addition to:

- 170b: which requires policies to “contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of ..... trees and woodland”
- 175c: which requires refusal of development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists.

### London Plan 2016

The London Plan contains many references to the importance and multiple benefits of trees; for example policy 5.10, which states that “Development proposals should integrate green infrastructure from the beginning” and notes that this can include tree planting. Policy 7.21 seeks the retention of existing trees and that additional trees should be included in new developments, particularly large-canopied species. The protection of veteran trees and ancient woodland is also urged.

Policies 5.1 and 5.9 are also likely to be supportive of tree planting and preservation.

#### Emerging London Plan

Policy G7 A states that, “London’s urban forest and woodlands should be protected, and maintained and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London’s urban forest – the area of London under the canopy of trees.”

Policy G7 C requires development proposals to retain and or replace existing trees of quality, using CAVAT or i-tree values. It furthermore notes that this includes “Category A, B and lesser category trees where these are considered by the local planning authority to be of importance to amenity and biodiversity, as defined by BS 5837:2012”, referring to “Valuing London’s Urban Forest - Results of the London i-Tree Eco Project 2015” .

G7 B requires the protection of veteran trees and ancient woodland.

### Camden Local Plan

Support for tree preservation and planting is gained from Local Plan policy A3, which states that the Council will protect, and seek to secure additional, trees and vegetation and sub policy A3m “expect developments to incorporate additional trees and vegetation wherever possible” and paras:

6.80 “Where the loss of trees or vegetation of value cannot be avoided or would adversely affect their future growth, the Council will require suitable replacements capable of providing at least equal amenity and ecological value.

6.81 “The Council will also expect developments to incorporate additional trees and vegetation wherever possible as part of the package of biodiversity enhancing measures described above. This should include large species trees where opportunities allow.”

Conservation Area Guidelines also confirm the importance of trees and other vegetation:

**RF35** All trees which contribute to the character or appearance of the Conservation Area should be retained and protected. Developers will be expected to incorporate any new trees sensitively into the design of any development and demonstrate that no trees will be lost or damaged before, during or after development. BS 5 837: 1991 shall be taken as the minimum required standard for protection of trees.

**RF36** All new development should have a high standard of external space (landscape) design, which should respect the character and appearance of the Conservation Area.

**RF37** Applications for development should take into account the possible impact on trees and other vegetation, and state clearly whether any damage/ removal is likely and what protective measures are to be taken to ensure against damage during and after work. BS 5837: 1991 shall be taken as the minimum required standard for protection of trees. All trees within 10 metres of a development proposal should be clearly identified. This also applies to underground development. ....”

## BGI 4 LIGHTING

### NPPF

In line with paragraph 180c, which advises that development should “limit the impact of light pollution from artificial light on local amenity..... and nature conservation”, BGI 4 intends to afford protection for the area’s wildlife, including bats, which forage and commute throughout the area.

### London Plan 2016 and Emerging London Plan

Policy 7.19 para 7.61 notes the importance of considering indirect impacts of development, including lighting, on the need for nature conservation.

### Camden Local Plan

Local Plan policy A1 is concerned with artificial lighting. Para. 6.6 notes that artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours, while para. 6.7 is concerned with development in sensitive areas and the potential for disturbance to wildlife.

## BGI 5 LOCAL GREEN SPACES

The Plan Area does not meet Natural England Accessible Green Space Standards (ANGSt) and the deficiency in natural green space and Local Nature reserve is forecast to decrease further, as the population increases over the Plan’s lifetime. The only area of publicly accessible open space in the Plan Area in March 2019 was the rear garden of Camden Arts Centre, which the Plan hopes to designate as Local Green Space (LGS 7).

### NPPF

This policy seeks to designate areas of open space as Local Green Spaces (LGS), drawing on NPPF paragraphs:

- 91c, which aims to promote health and well-being needs, for example through the provision of safe and accessible green infrastructure
- 99, which enables neighbourhood plans to designate land as Local Green Space and for communities to identify and protect green areas of particular importance to them

Evidence of compliance with the provisions of paragraph 100, concerning the appropriateness of LGS designation, is provided in appendix BGI 7 of the Neighbourhood Plan.

### London Plan 2016

The ability to designate new Local Green Spaces is confirmed in London Plan policies 7.1 para 7.6A, policy 7.15 para 7.53 and policy 7.19 para 7.58A, which notes the role of neighbourhoods in identifying small Local Green Spaces. The value of green infrastructure not designated as local open space is to be regarded as a material consideration (para 7.58).

Improvements to green infrastructure are promoted by policy 2.18.

### Emerging London Plan

Policy G4 supports the introduction of new open green spaces, particularly for improving green infrastructure, wildlife connections, habitat creation and nature conservation, and policy G6 E advises that “proposals which reduce deficiencies in access to wildlife sites should be considered positively”.

### Camden Local Plan

Support for the development of new Local Green Spaces is available from policies A2 para. 6.70, which aims to achieve contributions to Camden Biodiversity Action Plan and green infrastructure strategies, such as the Mayor of London’s All-London Green Grid.

Policy A3 incorporates several supportive sub policies, such as:

f “seek to improve opportunities to experience nature, in particular where such opportunities are lacking”

para 6.61: “The Council will protect designated nature conservation sites from inappropriate and harmful development.....” including “relatively small sites can be highly valued by providing access to nature.”

para. 6.62: “Camden’s green spaces and built environment support species protected under UK and international legislation. The presence of protected habitats or species is a material planning consideration. Protected species in Camden include significant populations of bats and rare species of birds and amphibians”

para. 6.70: “All enhancement measures, including the provision of natural greenspace, should contribute to the delivery of the BAP and green infrastructure strategies. As highlighted in Policy A2 Open space, the Mayor of London is supporting the development of a multi-functional network of accessible spaces and natural features (the All-London Green Grid).”

para. 6.71, “A key objective of the BAP is to increase engagement with nature..... The Council will need to give particular priority to addressing deficiencies in the areas shown in Map 2: Locations deficient in access to open space on page 199.”

## CF: COMMUNITY FACILITIES

In order to facilitate sustainable development, the policy aims to promote the retention of existing cultural, leisure and community facilities, in addition to new facilities (based on the established interests of residents)

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
<b>CF</b>	<b>Community Facilities</b>				
CF 1	Cultural, leisure, tertiary education and community facilities	91-94	3.1 para 3.7;3.10A; 4.1A a1; 4.4A; 4.6; 7.6	GG5 F, S2, S3, E2, E3	C1-C3, E2
CF 2	Community infrastructure priorities		3.10A, 7.6		

to support both a growing population and the many people in the Plan area who work from home. It additionally seeks the retention of listed community facilities within the Plan Area, and prioritises the provision of cultural leisure and tertiary education facilities.

### Cultural, Leisure, Tertiary Education and Community Facilities Policies: National and Local Conformity

#### NPPF

This policy derives support from para. 91 of the NPPF, which advises plans should achieve healthy, inclusive and safe places which:

- a) “promote social interaction, including opportunities for meetings between people.....”
- b) [with] “.....high quality public space, which encourage the active and continual use of public areas.....”



c) “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure.....”

Para. 92 advises that plans should provide the social, recreational and cultural facilities and services the community needs. The plan also aims to maintain a degree of flexibility in the use of cultural facilities, in order to respond to any future growth in the demand for nursery school and / or childcare provision, in line with para. 94.

**London Plan 2016**

Population growth is considered in paras. 3.16 to 3.18 of the London Plan and the need to ensure adequate social infrastructure is highlighted in para 3.17 of policy 3.1. The policies in chapter four also set out to ensure that social infrastructure provision responds to the forecast growth, with cultural resources referred to in para. 4.1 and the need to invest in new infrastructure in paras 4.4A and 4.6, in order to ensure a thriving, resilient and diverse economy.

Para 3.10A, furthermore, notes the need for new development to be supported by necessary and accessible health and social infrastructure, and in para. 7.6 of chapter 7 (Lifetime Neighbourhoods).

**Emerging London Plan**

Policy CF is underpinned by Emerging London Plan policy GG5 F, which seeks to promote and support London’s rich heritage and cultural assets. Emerging London Plan policy S3 provides support for education and childcare facilities.

The neighbourhood plan policy also seeks to provide new community facilities, such as desk space and meeting rooms to support home working, in accordance with ELP policies E2 and E3.

**Camden Local Plan**

Camden’s Local Plan has a number of policies to support community, health and wellbeing, notably policies C1 to C3, with policy C1 d seeking the provision of new health facilities. However, whereas policy C2 g aims to ensure existing community facilities are retained, unless certain tests are met.

Facilities to support home working, as set out in RF policy CF 3, are supported by Camden policies C2 and E2.

**DS: ASPIRATIONAL DEVELOPMENT SITES**

**Aspirational Development Site Policy: National and Local Conformity**

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy
<b>DS</b>	<b>Aspirational development sites</b>	91-94, 124, 127, 128, 170e, 200	3.3, 3.5, 3.16, 3.17, 3.18, 4.12, 5.10, 5.14, 7.1, 7.6, 7.28	GG4 D; GG5 D; D2; H1 para 4.1.8; H2; H12 para 4.12.5; S2; S3; E2; E3

**NPPF**

The NPPF expects planning policies to include safe places which promote social interaction (para 90), and to “provide the social, recreational and cultural facilities and services the community needs” and to “guard against the unnecessary loss of valued facilities and services” (para. 92). Aspirational development site RF 12, which envisages the development of estate garages for use as community facilities, would be supported by para. 93. The identification of aspirational development site RF 3 for future community use according to need, is in accordance with para. 94.

The community aspirations are sympathetic to local character and history, with requirements for the inclusion of greening measures corresponds with para 127c and e, while the use of design codes may be expected to deliver architecture compliant with paras. 124, 128 and 170e. Regeneration / re-use of existing heritage assets, non-designated heritage assets and positive contributors is supported by para 200.

### London Plan 2016

In identifying aspirational development sites, including for residential use, the Plan sets out to help increase the supply of residential units and social infrastructure needs, as required by London Plan policy 3.3. Use of the Redington Froggnal design codes at the aspirational development sites would ensure that development is sustainable (paras. 3.17-3.18), with considerable greening measures, in accordance with policies 5.10, while the architecture of the design codes will promote policies 7.6 and 7.9 heritage-led regeneration (notably for sites RF 1 and RF 7). The range of facilities will contribute to the delivery of lifetime neighbourhoods (policy 7.1).

The regeneration of office parks (aspirational site RF 6) is supported by para 4.12.

Development that aims to reduce pressure on sewer capacity, for example by daylighting underground rivers, and restores the Blue Ribbon Network is compliant with policies 5.14 and 7.28, eg aspirational development sites RF 2, RF 10 and RF 11.

### Emerging London Plan

To meet the needs of a growing population, aspirational development sites have been identified by the Forum for a range of uses from residential (in accordance with ELP policies GG4 D and GG5 D) to community, education, childcare, low-cost employment facilities and a GP practice, in line with ELP policy GG4 E.

Outstanding design will be delivered, if new buildings are developed in line with the Redington Froggnal Design Codes, to accord to ELP policy G2. Meeting the accommodation requirements of the growing population is aspired to several of the hoped-for small development sites, such as RF 1 to RF 5, RF 7-8 and RF 10-11 (consistent with ELP policy H1 paras. 4.1.8, policy H2 and H12 para. 4.12.5 (sites RF 2 and RF 3) .

Identification of aspirational development sites with urban greening contributions is compliant with policy H2 J. Sub policy H2 F advises that “a presumption in favour of residential conversions should be applied in conservation areas”, which could be applicable to aspirational development site RF 6 Hampstead Gate. Currently, this is primarily a development of office space.

Sites allowing for the provision of cultural, education, work and health facilities are consistent with ELP policies S2 (health), S3 (education and childcare) and E2 and E3 (low-cost office / work space).

### Camden Local Plan

No directly relevant policy has been identified.

## FR: FINCHLEY ROAD: SHOPFRONTS

The section of Finchley Road within the Neighbourhood Plan area forms the very northern end of the secondary frontage of the Finchley Road / Swiss Cottage town centre.

These secondary frontages have the potential to be at the heart of the Plan Area’s community, but the road is blighted by high traffic volumes, lack of green infrastructure and poor air quality.

The policy for Finchley Road’s shopfronts aims for heritage-led regeneration, including wide high-quality footways and trees and other greening measures. Community facilities are also envisaged.

### Finchley Road Retail and Residential Environment Policy: National and Local Conformity

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
<b>FR</b>	<b>Finchley Road: Residential and Retail Environment</b>	85, 91-92	2.15A, 3.2D, 3.8, 3.9, 4.7, 5.10, 7.1, 7.2, 7.4, 7.5	GG1 D, D7	T1, TC2,TC4, CPG Town Centres

### NPPF

The aims of this policy conform with NPPF chapter 7 (para. 85) and chapter 8 (paras. 91 and 92).

### London Plan 2016

Policy 2.15A aims for local neighbourhoods to provide a sense of place. A local neighbourhood centre in walking distance that meets residents' needs will also help to improve health and promote healthy lifestyles (Policy 3.2 D).

Aspirational development sites for Finchley Road will increase footfall and add to its vibrancy, in support of London Plan policies 3.8 and 3.9 relating to residential development, and policy 4.7 relating to retail development.

The greening measures forming part of the Redington Froggnal design policy would deliver substantial urban greening, in accordance with LP policy 5.10.

Regeneration of Finchley Road in the ways envisaged in the Neighbourhood Plan is consistent with LP policies 7.1, 7.2, 7.4 and 7.5.

### Emerging London Plan

ELP policy GG1 D notes the crucial role of town centres in the social, civic, cultural and economic lives of Londoners and opportunities for face-to-face contact and social interaction. The RF policy for Finchley Road's retail and residential environment is consistent with this aim.

Improvements to the public realm are supported by ELP policy D7.

### Camden Local Plan

Greening measures and restoration of traditional shop fronts should help to foster a safe attractive, neighbourhood which promotes walking and reduces the dominance of motor vehicles and creates a sense of place and identity, in line with Camden Local Plan policy T1 (paras. 10.5-10.6),

It is also supported by sub policy TC2 g to protect the secondary frontages as locations for shops (A1), together with a broader range of other town centre uses, and policy TC4 to ensure that development "does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours".

The enhancement of Finchley Road's residential environment is supported by Camden policy TC2 to protect housing above and below shops.

## UD: UNDERGROUND DEVELOPMENT

The Plan Area borders a Regionally Important Geological and geomorphological Site (GLA 42), which the London Plan seeks to protect and promote. It is situated on unstable soils (London clay, Claygate Member and Bagshot Formation) above a large body of underground water, including the underground River Westbourne (also known as the Cannon) and its tributaries. which continue to flow beneath the surface, including in pipes and sewers. The area is at risk of surface water flooding and the London Borough of Camden is designated a Lead Local Flood Authority.

The policy concerning Underground Development aims to establish a set of guidelines for use by planning applicants to plan, manage and execute the preparation of a compliant application to inform a planning officer's decision, and to address fundamental engineering issues at the earliest stage in the planning application process.

The policy also aims to protect geodiversity and prevent erosion of rear garden space and tree loss by requiring a significant soil depth to reduce negative impacts on loss of habitat and amenity, on ground water and surface water flooding.

The policy encourages sustainable development in an area at risk of surface water flooding and aims to mitigate the impact of basement construction on climate change.

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2 London Plan Supplementary Planning Guidance London's Foundations, map 7.4: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/londons-foundations>

**Underground Development Policy: National and Local Conformity**

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
<b>UD</b>	<b>Underground Development</b>				
UD 1	Underground Development and Basements	70, 118b, 122, 148-150, 155, 160, 163, 170, 170e, 171, 180a, 192	3.34 para 3.5; 5.10; 5.12; 7.15, 7.19; 7.20	GG6 B, D9 3.9.5, D13, G1, G7, G9, HC1, SI13 C	CC3, A3, A5, CPG Basements and CPG Trees
<b>UD2</b>	Basement Construction Management Plans		7.15	D9 para 3.9.5, D13	A5 pars. 6.125, 6.126; Hampstead Neighbourhood Plan

**NPPF**

In accordance with para. 70 of the NPPF, the Plan sets out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, and to ensure efficient use of land taking account of local conditions and the desirability of maintaining an area’s prevailing character and setting (including residential gardens) (para. 122d). Moreover, the NPPF also requires planning policies and decisions to contribute to and enhance the local environment (para 170); the setting of heritage assets (para. 192); and cumulative effects to be taken into account (para 180).

Flood risk is also to be addressed (paras. 155, 160 and 163).

NPPF support is also available from paragraphs 148 to 150, which aim to minimise climate change impacts and improve resilience, and para 171, aiming to conserve and enhance natural capital. Paragraph 118b recognises the value of undeveloped land to functions, such as wildlife, recreation, flood risk mitigation, cooling/shading and carbon storage.

Paragraph 180a requires development to take account of noise pollution on health and quality of life and therefore provides support for the presumption against basements utilised for car lifts and garaging.

**London Plan 2016**

The impact of basements is considered in policy 3.5 of the London Plan, where para 3.33 advises that basement extensions should have regard to more general local design principles, sustainable design and construction, climate change, biodiversity and flood risk.

Para. 3.34 of policy 3.5 recognises the multiple values of gardens and incorporates a presumption against “development on back-gardens where locally justified by a sound local evidence base”.

The value of gardens for urban greening is supported by London Plan policies 5.10 and their utility for flood risk mitigation derives support from policy 5.12. The geodiversity of the area is protected through policy 7.20, which expects development proposals, wherever possible, to make a positive contribution to the protection and enhancement of geodiversity. The need to promote and preserve regionally important Geological and Geomorphological Sites, such as site GLA 42 (Kenwood House Quarry and Sandy Heath) is recognised in policy G9.

The London Plan also recognises the value of green infrastructure not designated as Local Green Space for biodiversity in policy 7.19.

The UD 2 policy is further supported by policy 7.15 to avoid adverse noise impacts on health and quality of life.

### Emerging London Plan

Policy D9 A recommends that borough should establish policies to “address the negative impacts of large-scale basement beneath existing buildings”.

D9 para 3.9.5B observes that, “In areas where basement developments could cause particular harm, boroughs can consider introducing Article 4 Directions to require smaller-scale proposals to obtain planning permission”.

Policy GG6 B supports building which reduces impacts from flooding, while policy D9 notes the need for policies to address the impacts of basement development, taking account of local ground conditions; flood risk and drainage impacts; land and structural stability; protection of trees, landscape, and biodiversity; archaeology and heritage assets; neighbour amenity; air and light pollution (para. 3.9.5).

The importance of protecting green infrastructure and biodiversity is again noted in policy G1 and the protection and promotion of geodiversity in policy G9.

UD 2 attempts to seek limits to the impacts of noise, vibration and dust in accordance with D9 (para. 3.9.5) and D13.

### Camden Local Plan

Support for the Redington Frognaal UD policy is derived from Local Plan policy CC3, which sets out areas of historic flooding and Local Flood Risk Zones. It also notes that reductions in permeable surface and changes to the direction of surface water flows (para 8.65) can increase stress on the drainage network and increase the risk of flooding to properties downstream, which were not previously at risk. It further notes that development located within areas at risk of flooding should not place additional pressure on the existing drainage infrastructure. Policy C3, which aims to minimise any increased risk of surface water flooding, is also relevant to UD

Camden has supplementary planning guidance on basements, based on policies A5, A3 and CC3 and para. 1.18 of CPG Basements dated March 2018 provides support for the UD policy to ensure that basement development does not cause harm to neighbouring properties, ground permeability and run-off, or cause cumulative impacts. It also advises that basement development should not harm the recognised architectural character of buildings and surrounding areas, that conservation area character is preserved or enhanced and that development should be sustainable.

Policy UD is additionally underpinned by Camden policies, such as CA3, which aims to protect gardens with biodiversity value, and A5c, e, p, r, s and u to preserve the established character and amenity of the area, of the setting of the conservation area, the ability of gardens to support appropriate trees, cumulative impacts and also to reduce the increased risk of surface water flooding (paras. 6.113, 6.129, 6.135, 6.136, 6.137).

Whereas Camden’s policy allows for a soil depth of 1 metre, this is generally insufficient for the large canopy species characteristic of the Plan area and the UD therefore increases the minimum depth to two to three metres to enable retention of the Area’s character and the value of its trees in storing and sequestering carbon and filtering airborne particulates and for their enhanced CAVAT values.

Protection of gardens because of their particular importance to the character of the Plan Area, including for the planting of large-canopy trees, is also supported by A5 paras. 6.139 and 6.140.

Policy UD 2 is based on Camden Local Plan policy A5 Basements, and para. 6.125, which states that, “The demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements. Many basement schemes are constructed in residential areas in close proximity to people’s homes, with the construction works often involving significant disturbance (including removing significant quantities of spoil) extending for many months.” Para. 6.126 continues to state that, “The Council will seek to minimise the disruption caused by basement development and will generally require Construction Management Plans....” . A similar policy is already in force for the Hampstead Neighbourhood Plan area.

## KR: KIDDERPORE RESERVOIR

The Victorian water reservoir, Kidderpore Reservoir, is neither listed nor on Camden’s Local List. The policy seeks to preserve the site for the community and also for biodiversity

**Underground Development Policy: National and Local Conformity**

RFNP policy		NPPF paragraph	2016 London Plan policy	Emerging London Plan policy	Local Plan policy
<b>KR</b>	<b>Kidderpore Reservoir</b>	184, 185, 186, 187b, 188, 190-196	7.8C, 7.8F	D2 paras 6.37, 7.1.3, 7.48-7.52	D2

### NPPF

Section 16 of the NPPF supports the support preservation of heritage assets and unidentified heritage assets (eg. para 187b), and the communication of information about the historic environment (para. 188) and the request for local listing in policy BD 2 is therefore in compliance.

Para. 194 requires consideration to be given to “harm to, or loss of, the significance of a designated heritage asset” (such as conservation areas).

### London Plan 2016

Policy 7.8C of the London Plan requires development to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate” and 7.8F advises boroughs to include identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate. Para 7.31A confirms the NPPF protection for designated heritage assets.

### Emerging London Plan

Policy HC1 lends support to the presumption against demolition, with para 7.1.8 stating that evidence of deliberate neglect t a heritage asset to help justify a development proposal will be disregarded.

Local listing is supported by para 7.1.3, which advises “identification and sensitive management of London’s heritage assets”.

### Camden Local Plan

The desire to preserve heritage assets and their settings is reinforced in policy D2.

## 4. Contribution to the Achievement of Sustainable Development

The Plan has been prepared in accordance with the presumption in favour of sustainable development, as set out in the NPPF, and the need to support local development.

The NPPF states (6) that “the purpose of the planning system is to contribute to the achievement of sustainable development”. It defines three dimensions to sustainable development: economic, social and environmental:

- a) an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation, and by identifying and co-ordinating development requirements, including the provision of infrastructure;
- b) a social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- c) contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve bio-diversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF states that “these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”.

The NPPF goes on to state that,

“pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of bio-diversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure
- widening the choice of high-quality homes.”

These principles of sustainable development are at the core of the Redington Froggnal Neighbourhood Plan and have been followed at all times during the process of drawing up and writing the Plan. The table below sets out how the Neighbourhood Plan’s six objectives and six policies fit with these core aims.

4.6 This section provides a sustainability appraisal of the Redington Froggnal Neighbourhood Plan. It considers whether the Plan contains policies likely to contribute to the delivery of sustainable development. Although there is no statutory requirement for Neighbourhood Plans to be accompanied by a sustainability appraisal, it is briefly summarised below how the principles of sustainable development (as defined by the National Planning Policy Framework) are delivered.

### **Economic Role**

An economic role is provided by the policy relating to aspirational development sites, which seek to provide low-cost employment space, and by policy FR, which seeks to regenerate Finchley Road. The strong emphasis on biodiversity and green infrastructure may be expected to produce an economic effect by improving mental health through access to or sight of green space, thereby minimising economic losses due to depression and other mental illnesses.

Community Infrastructure Levy project under way may also be expected to play an economic role, as visitors are attracted to a restored Constable’s Pond at Branch Hill and a marked underground rivers trail.

### **Social Role**

The policies relating to Finchley Road and Community Facilities aim to achieve a social role, along with aspirational development sites where community or health use is identified.

A social role will also be provided from walking the underground rivers, relaxing by restored Constable’s Pond, and enjoying the green infrastructure. Through preservation of the green character and biodiversity of the area, with its historic architecture and unexpected vistas, the area will continue to appeal to the flaneur, and be a delightful place to stroll, in the traditions of Walter Benjamin and Charles Baudelaire.

### **Environmental Role**

Biodiversity and Green Infrastructure and Sustainable Design are key to the neighbourhood plan. The verdant character will be preserved and enhanced by setting limits to garden building (above and below ground) and adopting urban greening factors for new development, to deliver increases in canopy cover, hedges and other natural habitat.

Blue infrastructure is also addressed, through recommendations to incorporate natural ponds and daylight clean sections of underground rivers.

This plan has been written in relation to Camden Council's Local Plan policies. The sustainability appraisal, therefore, takes the approach of demonstrating how its policies align with the principles set out in the Camden Local Plan (2017). The Camden sustainability appraisal provides extensive detail on the ways in which sustainable development forms a key part of the borough's planning policies. The Council considers that these sustainability objectives continue to be relevant. The Neighbourhood Plan is a statutory planning document that must be compliant with the strategic planning policies of Camden Council. As such, this Neighbourhood Plan must also serve towards contribute to the delivery of Camden Council's sustainability objectives. The Neighbourhood Plan has therefore been assessed against these objectives.

The 16 sustainability objectives set out in the Camden Local Plan Sustainability Appraisal are shown below. The table references each objective and policy in the Neighbourhood Plan against the 16 objectives in Camden's Sustainability Appraisal. This serves to demonstrate how the objectives of the Camden Council Camden Sustainability Appraisal accord with the Neighbourhood Plan.

**Camden Sustainability Objectives and the Redington Frognal Neighbourhood Plan**

Sustainability Objective	RedFrog objective(s)	RedFrog NP polices
i. To promote the provision of a range of high quality and affordable housing to meet local needs	1, 4	BD, DS
ii. To promote a healthy and safe community	2,4, 5	BD, BGI, CF, DS, FR, UWF
iii. To ensure access to local shopping, community, leisure facilities and open space	3, 4, 5	BGI, CF, DS, FR
iv. To tackle poverty, social exclusion and promote equal opportunities	1, 3, 4, 5	BD, BGI, CF, DS, FR
v. To encourage and accommodate sustainable economic growth and employment opportunities	1, 2, 3, 4	CF, DS, FR
vi. To maximise the benefits of regeneration and development to promote sustainable communities	1,2,3,4	BGI, DS, CF, FR, UWF
vii. To promote high quality & sustainable urban design which protects and enhances the historic environment	1,3,4	BD, BGI, DS, FR, UWF
viii. To ensure new development makes efficient use of land, buildings and infrastructure	1,2,4	BD, BGI, DS, UWF
ix. To reduce reliance on private motorised transport	4	BD, DS
x. To improve amenity by minimising the impacts associated with noise	4, 6	UWF
xi. To protect and manage water resources and reduced flood risk	2, 4, 6	BGI, UWF
xii. To protect & enhance existing habitats and biodiversity and to seek to increase these where possible	2, 4	BD, BGI, UWF
xiii. To reduce the amount of waste requiring final disposal	4	BD, UWF
xiv. To improve air quality	2, 3, 4	BD, BGI, DS
xv. To provide for the efficient use of energy	4	BD, UWF
xvi. To minimise the use of non-renewable resources	2, 4	BGI, UWF

**5. Must be compatible with human rights requirements**

The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. It also complies with the Human Rights Act 1998.

An Equalities Impact Assessment of the Plan is to be provided by Camden Council.

The Redington Frognal Neighbourhood Forum has, at all times, sought to ensure that all sections of the community have been given the opportunity to be involved in making the Plan and given the opportunity to express their views on the Plan. The process of drawing up the Plan, and the work of the Forum since its inception, is set out in the separate Consultation Statement. This details the extensive consultation and engagement on which the Plan has been based.



## 6. What are the relevant EU obligations?

A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. The neighbourhood plan has been screened by the London Borough of Camden for Strategic Environmental and Habitats Regulations Assessments.

There are 4 directives that may be of particular relevance to neighbourhood planning:

**Directive 2001/42/EC** on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).

This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

**Directive 2011/92/EU** on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).

**Environmental Impact Assessment** is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

**Directive 92/43/EEC** on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

Screening of the Neighbourhood Plan by Camden Council has concluded that neither a Strategic Environmental Assessment nor a Habitats Regulation Assessment are required, based on the Regulation 14 version of Plan.