



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

**Jonathan Bore, Executive Director for
Planning and Borough Development
The Royal Borough of Kensington and
Chelsea**

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**DECISION STATEMENT REGARDING NORLAND
NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM**

1. I confirm, that the Norland Plan, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
2. I am taking the above-mentioned decision as I concur with the advice contained in the officer's report.
3. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed:

Executive Director for Planning and Borough Development

Date: 28 October 2013

Decision published on: 28 October 2013



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**Delegated Decision Report dated
28th October 2013**

**For Decision by the Executive Director of
Planning and Borough Development**

1. Introduction

- 1.1 I am writing to seek your approval that the Norland Neighbourhood Plan, in light of the modifications made, meets the legal requirements of the Localism Act 2011, including the basic conditions, and is therefore able to proceed to referendum.

2. Background

- 2.1 The Norland Conservation were the first group in the country to apply to be designated as a Neighbourhood Forum in relation to their proposed Neighbourhood Area, under the new Neighbourhood Planning (General) Regulations (2012), which came into force 6 April 2012.
- 2.2 The Norland Neighbourhood Area and Neighbourhood Forum applications were approved by the Council on 15 June 2012. The forum prepared their Neighbourhood Plan and submitted it to the Council in June of this year. The document was publicised alongside a number of supporting documents for six weeks until 26 July 2013 before being reviewed by an independent examiner. The examiner concluded he was satisfied that the Norland Neighbourhood Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the basic conditions, subject to the modifications set out in his report.

3. Need

- 3.1 Schedule 4b to the Town and Country Planning Act 1990 requires that a local authority must consider each of the recommendations made in the examiner's report and decide what action to take in response to each recommendation.
- 3.2 If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, a referendum must be held on the making of the Plan by the authority.

- 3.3 If the authority is not satisfied that the plan meets the basic conditions and other legal requirements then it must refuse the proposal.
- 3.4 A referendum must take place and a majority of residents must vote in favour of the Neighbourhood Plan before it can be made.

4.0 Recommendation

- 4.1 A table is attached to this report outlining the alterations made in response to each of the examiner's recommendations and the reasoning behind them. A response has been made to each recommendation contained within the report.
- 4.2 I recommend that the Council be satisfied, in light of the modification made, that the Norland Plan, as revised, now complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.

Joanna Hammond
Neighbourhood Planning Team Leader

The Royal Borough of Kensington and Chelsea has made the following modifications, in response to the examiner recommendations, to ensure that the draft plan meets the basic conditions, for the reasons given:

Examiner's Recommendation	Section in Examination Document	Change	Reason for Change
Non-planning matters should be removed to a separate document or an annex, not forming part of the draft neighbourhood plan order.	Section 3.4 Section 4.3 Section 4.4	Moved these non-planning issues to Actions for Improvement section in Volume Two of the Plan.	The content of these sections falls outside of the scope of the development and use of land.
Remove text that suggests plan is making decisions on designations.	Section 3.1.1.6	Delete proposed action to seek an Article 4 Direction and listing.	A neighbourhood plan may not make designations.
The references to listed building consent being required should be deleted or modified in paragraphs 3.2.4, 4.2.2 (d), 4.2.3, 4.2.6(c and d), and 4.2.7. The reference to listing applying to everything within the curtilage should be deleted from paragraph 4.3.2. The statement under 4.2.7 that planning permission is not required for internal alteration to listed building should be deleted; some internal alterations could be associated with a material change of use.	Section 3.2.4 Section 4.2.2(d) Section 4.2.3 Section 4.2.6(c and d) Section 4.2.7	References to where planning consents are required have been deleted.	Concerns over the accuracy of these statements and vulnerability to changes in secondary and primary legislation. Deleted to ensure conformity with paragraph 17 of the NPPF.
A Statement on the time period for which the Neighbourhood Plan is to have effect must be added.	Front Cover Vision	Timeframe of 2013-2028 inserted on the front cover of the Norland Plan. Vision Section	In order to meet the requirement of Section 38B(1)(a) of the Town and Country Planning Act 1990
Having regard to Paragraph 17 of the NPPF, the three sets of aims should be merged to create one clear coherent set of aims.	Page 9 Section 1.2 Section 4.1	One set of aims and vision in Volume One containing Neighbourhood Plan policies	Changed to meet the basic conditions and paragraph 17 of the NPPF.

<p>Having regard to Paragraph 17 of the NPPF, the Neighbourhood Plan should be restructured to make clear what constitutes policy, explanatory text, definition of heritage assets, guidance and background information.</p>	<p>Section 2 Section 3 Section 4 Appendix A Appendix B Appendix C Appendix D</p>	<ul style="list-style-type: none"> • Section 2 moved to Introduction section • Section 3.1 townscape moved to Volume Two and termed 'Townscape Analysis' as a distinct section dealing with heritage significance. • Section 3.1.4 moved to Architectural Features Guidance section. • Section 3.1.5 moved to Sensitive Sites Guidance. • Section 3.2.1, 3.2.2, 3.2.3 landscape moved to Action for Improvement section. • Section 3.2.4 moved to Guidance section. • Section 3.3 moved to Actions for Improvement section • Section 3.4 moved to Actions for Improvement section • Section 4.1 amalgamated into single set of aims/vision in Volume One Neighbourhood policies • Section 4.2.1 Policy N1 moved to policy section in Volume One of the plan. Explanatory text clarified. • Section 4.2.2 Policy N2 moved into policies section. Explanatory text clarified. Roof assessment moved to Townscape Analysis section. • Section 4.2.3 Policy N3 Rear and Side Extensions moved to policy section in Volume One. Policies contained in explanatory text incorporated into policy. Explanatory text clarified. • Section 4.2.4 Policy N4 moved to policy section in Volume One. Existing explanatory text moved to Architectural Features guidance section. • Section 4.2.5 Policy N5 Exterior Painting moved to policy section in Volume • One. Existing explanatory moved to Painting guidance 	<p>Changed to meet the basic conditions in regard to adhering to the national planning policy framework, paragraph 17.</p>
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		<p>section.</p> <ul style="list-style-type: none">• Section 4.2.6 Policy N6 moved to policy section in Volume One. Existing explanatory text moved to Small Scale Additions guidance section.• Section 4.2.7 moved to Architectural Features guidance section.• Section 4.2.8 moved to Architectural Features guidance section.• Section 4.2.9 moved to Actions for Improvement section.• 4.2.10 Policy N7 moved to policy section in Volume One. Explanatory text moved to Sensitive Sites guidance section. Policy statements in explanatory text moved into policy.• Section 4.2.11 Policy N8 moved to policy section in Volume One. Explanatory text which constitutes guidance moved to Shopfronts and Advertising guidance Section in Volume Two. Policy within existing explanatory text merged with policy.• Section 4.2.12 Policy N9 moved to policy section in Volume One.• Section 4.3.1 moved to Actions for Improvement section.• Section 4.3.2 moved to Actions for Improvements section.• Section 4.3.3 moved to Actions for Improvements.• Section 4.3.4 moved to Architectural Features guidance.• Section 4.3.5 moved to Actions for Improvement section.• Section 4.3.6 moved to Actions for Improvement section.• Section 4.4 moved to Actions for Improvement section• Section 4.5 moved to Actions for Improvement section.• Appendix A moved to section 1	
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		<p>of Volume Two, which provides background information.</p> <ul style="list-style-type: none"> • Appendix B History of Portland Road moved to section 1 of volume two providing background information. Policy statements in policy guidelines section moved to policy section in volume one as Policy N10A/B. • Appendix C Policy statement within the text have been incorporated in Policy N11. Introductions forms explanatory text and reasoned justification for the policy. • Appendix D Moved into guidance section in Volume Two. 	
The requirement to impose conditions on planning permissions requiring the reinstatement of historic features should be removed from pages 44, 54 and 77.	Section 4.2.5 Appendix B	Requirement to impose conditions on planning permission to restore architectural features removed.	In order for the plan to meet the basic conditions and be in conformity with paragraph 206 of the NPPF in relation to conditions.
The term 'historic assets' on page 10 column 2 paragraph 3 should be replaced with the term 'heritage assets'.	Section 0	Term 'historic assets' replaced with 'heritage assets'.	In order to meet the basic conditions and conform with the NPPF.
The word etc. Should be deleted from Policy N1. The scope of 'more flexibility' should be defined. The term 'eccentric buildings' should be defined or the policy reworded to exclude this term.	Policy N1	<ul style="list-style-type: none"> • Deletion of 'etc' in policy wording. • More flexibility in mews/lesser terraces defined as 'New Development within these terraces and mews must demonstrate a strong contextual approach. The role of these streets within the hierarchy of the Norland estate allows some flexibility in addressing the development themes of rhythm, proportion, height, scale and massing, and storey heights' • Included explanatory text to explicitly state what constitutes 'grand compositions', 'other terraces of visual quality', 	In order to meet the basic conditions and conform with the NPPF paragraph 17.

		<p>‘lesser terraces’ and ‘mews’.</p> <ul style="list-style-type: none"> • Eccentric buildings defined as ‘buildings that by virtue of their exceptional design, interest and quality make a positive contribution to the character and appearance of the Norland Neighbourhood Area’ • Re-ordering of policy to put the justification before the policy. • Clarification of supporting text to outline hierarchy of various areas of Norland, which is discussed in townscape section, introductory section and implicit in policy itself. • Phrase ‘cannot be set out in policy’ deleted from 3rd section of policy. • First sentence of supporting text ‘conservation area’ substituted for ‘Norland Neighbourhood Area’. • Removal of ‘...and use appropriate materials and paint finishes fenestration and decorative features which echo in some ways the surrounding historic townscape’ as it is dealt with in other policies. • To ensure that new development complements or enhances the existing character and takes account of the context of the street scene, new development must’, added to introduce the policy. • Policy wording amended to improve clarity and efficiency. • Term ‘new buildings’ substituted for ‘new development’. 	
<p>Part D of Policy N2 should be amended to make clear where it would be applied. The associated explanatory paragraph on page 47 should be similarly amended.</p>	<p>Policy N2</p>	<ul style="list-style-type: none"> • Part D section on ‘Enclosures, furniture, parasols, trees or shrubs should be as unobtrusive as possible from all viewpoints, and not be visible from street level on the opposite side of the street.’ Moved to explanatory text as does not normally require 	<p>In order to meet the basic conditions and be in conformity with paragraph 17 of the NPPF and the correction of errors.</p>

		<p>planning permission.</p> <ul style="list-style-type: none"> • Policy reworded to make clear policy applies where planning permission is sought. • Re-ordering of policy to put the reasoned justification before the policy. • Deleted 'All roofline developments or alterations require planning permission in conservation areas, and, in the case of listed buildings, Listed Building Consent.' • Inserted a definition for unpleasant alterations in supporting text 'additions or alterations that have a harmful impact on the integrity or character of the original building or groups of buildings. These alterations can have a negative cumulative impact upon the wider street scene and character of the Norland Neighbourhood Area.' 	
<p>Policy N3 Add word 'of' between 'loss' and 'garden space' in Policy N3. Replace the word 'should' in both paragraphs of Policy N3 with the word must. Define or replace the term 'closet extensions'. Delete or modify the 2.5 metre height restriction for extensions on page 48. If a specific height limit is retained, an evidence-based justification must be provided.</p>	Policy N3	<ul style="list-style-type: none"> • Inserted 'of' between loss and garden space, • Deleted 'should' Inclusion of 'To ensure rear and side extensions make a positive contribution to the character and amenity of the Norland Neighbourhood Area they must:' • Definition: 'Closet wing extensions' are features of the original design of many houses within the Norland Neighbourhood Area. They project from the rear elevation of the building and are usually less than full height and one bay wide. • Deleted 2.5 height restrictions. 	In order to meet the basic conditions and be in conformity with paragraph 17 of the NPPF and the correction of errors.
<p>The policy should be reworded to require the retention of architectural features that contribute to the significance of heritage</p>	Policy N4	<ul style="list-style-type: none"> • Policy text amended: 'to improve the quality and character of buildings in the Neighbourhood Area, opportunities must be taken 	In order to meet the basic conditions and be in conformity with paragraph 17 and 206 of the NPPF.

<p>assets. The phrase ‘and required where proportionate to the development’ should be modified to make clear in what circumstances it could be applied. The partial quotation of Policy CL2 Should be deleted.</p>		<p>to retain and reinstate architectural features where they contribute to the significance of the heritage asset.</p> <ul style="list-style-type: none"> Deleted ‘...and required where proportionate to development’ Deletion of quote from Core Strategy Policy CL2. 	
<p>Policy N5 should be reworded, replacing the word should with a more definite wording, reflecting the approach in the NPPF. Delete the requirement for conditions to be imposed requiring the return of painted brickwork to its natural state where development is permitted. The phrase ‘if all owners are agreed’ should be deleted from page 55.</p>	<p>Policy N5</p>	<ul style="list-style-type: none"> ‘Should’ reworded to ‘In order to preserve the historic features and character of the Norland Neighbourhood Area, resist...’ Requirement for imposition of conditions deleted. ‘if all owners are agreed’ deleted. Definition ‘Original facing unpainted brickwork refers to brickwork designed to remain exposed (ie not painted or rendered) in the original design of the development. This brickwork forms the part of an external elevation of the building.’ Explanatory text on Article 4 included. Policy text restructured to improve clarity and efficiency 	<p>In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF. Deletion of conditions imposed to meet requirements of Paragraph 206 of the NPPF.</p>
<p>I would not recommend any amendment to Policy N6, other than that already suggested in paragraph 3.17 of this report.</p>	<p>Policy N6</p>	<ul style="list-style-type: none"> Deletion of the term ‘key view or vista’. 	<p>Term not defined would increase uncertainty contrary to paragraph 17 of the NPPF. Policy reworded to meet basic conditions.</p>
<p>The wording of the policy should be changed to state ‘open spaces’. Replace the word should in Policy N7 with the word ‘must’. Delete or modify the 2.5 metre height restriction for extensions on page 58. If a specific height limit is</p>	<p>Policy N7</p>	<ul style="list-style-type: none"> Opens spaces substituted to Open spaces 2.5m height restriction deleted. Deleted ‘not for use as living accommodation’ inserted ‘Not form a separate dwelling.’ Re-ordering of policy to put 	<p>In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF.</p>

<p>retained, an evidence-based justification must be provided. The phrase 'Not for use as living accommodation' should be clarified to make clear it refer to the creation of a separate dwelling, rather than ancillary use to the main dwelling.</p>		<p>the reasoned justification before the policy.</p> <ul style="list-style-type: none"> • Policy renamed 'Outbuildings and Landscape' 	
<p>Policy N8 or explanatory text should be amended to create consistency between the policy itself and the explanatory text in terms of referring to the neighbourhood area or the conservation area. Replace the word 'should' with 'must'.</p>	<p>Policy N8</p>	<ul style="list-style-type: none"> • Amended explanatory text to indicate that policy applies throughout neighbourhood area. • Inserted 'in order to maintain the character and appearance of the Neighbourhood Area and advertisement must' instead of 'should' • Re-ordering of policy to put the reason justification before the policy. 	<p>In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF.</p>
<p>Policy N9 should be reordered to create a clear policy requirement, supported by explanatory text.</p>	<p>Policy N9</p>	<ul style="list-style-type: none"> • Policy reworded to create a requirement to retain commercial uses. • Removal of table on Use Classes Order. 	<p>In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF.</p> <p>Use classes order table deemed to be misleading. The table supports actions which are permitted development. May lead to confusion over what does and does not require planning permission.</p>
<p>The North Portland Road Policy should be moved to the policy section of the Neighbourhood Plan and be given a policy number. There should be a clear separation of policy and explanatory text.</p>	<p>Appendix B</p>	<ul style="list-style-type: none"> • Policy statements incorporated into Policy N10A/B in Volume One with supporting text. Repetition of other policy statements covered in other policies within the plan removed. Policy text and explanatory text separated. • North Portland Road substituted for Portland Road (North). 	<p>In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF.</p>

Heritage assets and double-glazing policy should be moved to the policy section of the plan and be given a policy number. Remove the reference to 'Ventrola' (a commercial firm) on page 81.	Appendix C	<ul style="list-style-type: none"> • Policy introduction incorporated into reasoned justification/explanatory text. • Reference to 'Ventrola' has been removed. 	In order to meet the basic conditions. Improving clarity to be in conformity with paragraph 17 of the NPPF.
The Section on 'When planning permission is needed' on page 82 should be deleted.	Appendix C	<ul style="list-style-type: none"> • Deleted section on when planning permission is needed. 	Concerns over the accuracy of these statements and vulnerability to changes in secondary and primary legislation. Deleted to ensure conformity with paragraph 17 of the NPPF.
The status of Appendix D should be clarified in terms of whether it form guidance, defined significance or relates to any policy.	Appendix D	<ul style="list-style-type: none"> • Appendix D included in guidance section in Volume Two. 	Changed to meet the basic conditions in regard to adhering to the national planning policy framework, paragraph 17.
No need for Appendix F to form part of the Neighbourhood Plan Order	Appendix F	<ul style="list-style-type: none"> • Appendix F deleted. 	Changed to meet the basic conditions in regard to adhering to the national planning policy framework, paragraph 17.