

Delegated Report		Analysis sheet	Expiry Date:	12/11/2014
		N/A / attached	Consultation Expiry Date:	16/10/2014
Officer			Application Number(s)	
Jonathan McClue			2014/5352/P and 2014/5596/L	
Application Address			Drawing Numbers	
Heathside School 76 & 86A Heath Street London NW3			See Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<p>P- Change of use from restaurant (Class A3) at no.76 to new retail unit (Class A1) at front and additional school accommodation (Class D1) at rear associated with adjoining Heathside school at no.86A, with associated internal access and external elevational alterations, erection of new link building and library, installation of new shopfront, and alterations to existing school building to facilitate improvements to circulation between nos. 86A & 76.</p> <p>L- Alterations in connection with the change of use from restaurant (Class A3) to part school (Class D1) and part retail (Class A1), with associated internal access and external elevational alterations, erection of new link building and library, installation of new shopfront, and alterations to existing school building to facilitate improvements to circulation between nos. 86A & 76</p>				
Recommendation(s):		P- Grant Permission subject to S106 L- Grant LB consent		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				

Consultations

Adjoining Occupiers:	No. notified	20	No. of responses	02	No. of objections	02
			No. electronic	00		
<p>Summary of consultation responses:</p>	<p>Advertised in Ham & High on 25/09/2014. Site Notice displayed from 19/09/2014.</p> <p><i>Resident at 13 Mansfield Place objection:</i></p> <ul style="list-style-type: none"> - Noise impacts - Traffic assessment presumes that parents walk to the existing facility - The current site is used by older children from Heathside Prep School in New End - Existing and proposed site is unsuitable for a school use - Traffic generation from use - Covenants (legal agreements) are requested – windows fixed shut; air conditioning should be onto Heath Street; use restricted to nursery school use; no letting out of rooms to other uses. <p>Officer Comments: The above objections are addressed within the main body of the report.</p> <p><i>Resident at 3 Mansfield Place objection:</i></p> <ul style="list-style-type: none"> - Pupil numbers could increase - Noise from external playground - Traffic concerns during drop-off and collection - Conditions are recommended if approval is to be granted. These include restrictions on age and children numbers; sealing opening to the rear of the school; time restrictions; glass roof over the playground; air-conditioning outlets to face Heath Street; not let the buildings out to any other uses. <p>Officer comments: The above objections are addressed within the main body of the report.</p>					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Hampstead CAAC was consulted but no comments have been received.</p>					

Site Description

This application relates to the basement and ground floors of a four-storey (including basement) mid-terrace property (76 Heath Street) on the north-eastern side of Heath Street and buildings and land within its curtilage to the rear. It is grade II listed (as part of the group listing 70-76 Heath Street) and located within the Hampstead Conservation Area. The ground and basement are currently vacant, having previously been in use as a restaurant (Class A3); the upper floors are in residential use (Class C3). The ground floor and basement of 76 forms part of the secondary shopping frontage of the Hampstead Town Centre.

The application site sits immediately to the south/southwest of Heathside Preparatory School (at 86A Heath Street) and the proposal would involve the connection of these properties. Heath Street Baptist Church is located immediately adjacent (north) to the existing school. Within the parade of 76 Heath Street lie ground floor shops with residential flats above. Residential properties adjoin to the rear on Streatley Place (south) and Mansfield Place (north).

Heathside Preparatory School accommodates 249 pupils, aged between 3 and 11, 34 of whom attend on a part-time basis. The proposals associated with the planning application relate to the Lower School on which takes students from Reception to Year 2 (ages 4 to 7). The school currently employs 36 full time and 26 part time staff. The upper school, which is within walking distance, is located at 16 New End, Hampstead (Upper School).

Relevant History

Heathside Preparatory School:

2012/2824/P and 2012/2865/L: (Heathside Preparatory School and Heath Street Baptist Church 84A Heath Street London NW3 1DN) - Alterations associated with the reconfiguration of shared church and school space (Class D1) including the erection of a single storey rear extension.
FINAL DECISION - 12-06-2012 - Granted

2013/0973/P: Erection of timberclad structure with roof lantern to provide a classroom at upper ground level on roof of existing classroom and reduction in size of existing roof lantern to existing school (Class D1).
FINAL DECISION - 06-03-2013 - Granted

2013/1176/L:
Erection of timberclad structure with roof lantern to provide an additional classroom at upper ground level on roof of existing classroom and reduction in size of existing roof lantern, plus associated alterations.
FINAL DECISION - 15-04-2013 - Granted

2014/0286/PRE: Change of use from vacant A3 unit at ground floor and basement to A1 retail at ground floor and D1 education use (associated with adjoining Heathside School). The advice given stated that the additional school space to the rear of 76 Heath Street and a retail shop to the front of 76 would be acceptable in principle.

Relevant policies

National Planning Policy Framework (NPPF)

Paragraph 72 states:

"72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that

will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

London Plan 2011

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS10 (Supporting community facilities and services)

CS14 (Promoting high quality places and conserving our heritage)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP15 (Community and leisure uses)

DP16 (The transport implications of development)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2013

CPG1 (Design)

CPG5 (Town centres, retail and employment)

CPG6 (Amenity)

CPG7 (Transport)

Assessment

Proposal

Planning permission and listed building consent is sought for the change of use to the front of the ground floor and basement of 76 Heath Street to retail (A1); the change of use to the rear courtyard and ground and lower ground floors behind 76 Heath Street into additional school accommodation (D1) associated with Heathside Prep school next door; internal modifications associated with the above changes of use; an extension link and library building across the existing courtyard to connect with 86A Heath Street (Heathside) and modifications to the shop front of 76.

Revisions

Design alterations including retention of the closet wing to the rear of the main building as one room and the removal of the large glazed canopy within the courtyard.

Principle of Retail Use

The change of use from restaurant (A3) to retail (A1) would not require planning permission in a normal instance but as it falls within the proposal it must be assessed against policies CS7 and DP12. Retail uses are acceptable on ground floors within town centres and the proposal would comply with CPG5 which seeks to ensure that at least 50% of premises in secondary frontages are in retail use within the Hampstead Town Centre. The use is therefore considered acceptable in principle.

The retail unit would provide 34.79sq.m of floorspace at ground and basement level. Concerns were raised within the pre-application report (ref: 2014/0286/PRE) that such a unit might not be commercially viable. As part of the submission the applicant has done some market analysis and it is considered that there would be a significant amount of interest from smaller retailers ranging from gift stores, children's clothing and toys, niche retail, art and design and lifestyle. In addition, the unit would be located away from the prime area of the High Street and would be appropriate for a niche local business. Due to Hampstead's affluence it is considered to be an attractive location for such a business type.

Principle of Education Use

The proposed development is in keeping with policy CS10 which supports community facilities and services. Policy DP15 is also applicable in this instance, and while neither of the above policies explicitly refers to the extension of existing educational facilities, it is considered that the principle of such a proposal is acceptable. The above is subject to further considerations including highways implications and harm to neighbouring residents. Although the applicant states that the new space will only be used as ancillary accommodation rather than new teaching space with new classrooms, it is important to ensure that the school does not later increase its school roll and create new classrooms in this expanded space with consequent impacts on the school run etc.

It is noted that the proposed use would relate to ancillary space to the existing school at Heathside only, which would be controlled by a planning condition. The applicant would also need to enter into a Section 106 Agreement with the Council to provide a management plan detailing the use of the new school space and the numbers and hours of the facility to ensure no disturbance to amenity.

There is no objection to the loss of a restaurant which was considered to be an incompatible use within its location. The outdoor areas caused harm in the past to adjacent residents through functions and associated use late into the evening. The front of the building which relates to the retail parade would be reverted to a shop use promoting a more active street frontage.

Design, Conservation and Impact on the Listed Building

The scheme has been amended through pre-application discussions (ref: 2014/0286/PRE) and following further consultation with a Heritage and Conservation Officer during the application. The main amendments during the application include the retention of the closet wing to the rear of the main building as one room and the removal of the large glazed canopy within the courtyard.

Shop front Changes

The proposed shop front includes new clear glass with painted timber frame windows; a new painted timber entrance; a timber fascia board; new stone corbels and a new metal gate with a paint finish. The existing façade of the residential element of the listed building would be unchanged. It is considered that the proposed changes to the shop front would enhance the appearance of the building and be in keeping with the surrounding area.

Proposed Classroom Pods

The restaurant area to the rear of the main listed building would be subdivided into a series of study pods. No elevations or material details have been provided and the pods need to be designed so they preserve the proportions of this large volume and leave the roof structure visible as these elements contribute towards the special interest of the building. During discussions the applicant stated that the final detailed design of the pods would be subject to further school curriculum discussion. It was therefore agreed that an appropriately worded condition would be acceptable.

Closet Wing

The layout of the closet wing to the rear of the listed building has had its entrance into the cloak room closed up with a reveal to indicate the original location of the door. An internal partition has been put in to make a WC for the retail shop. The materials on the rear elevation would be brick to match. This is considered to be in keeping with the listed building and follows the advice of the Conservation Officer.

Extension Link and Library Building

A timber clad library and internal pedestrian link would be created between the application site and the existing school at 86A Heath Street. Both of these elements are considered to be essential to the school. The timber extension would have a flat metal roof with skylight and is considered to be a modest infill to the courtyard. The development has been designed to be in keeping with the recently built adjacent modern classroom addition at 86A Heath Street (ref: 2013/0973/P and 2013/1176/L). It would preserve the character and appearance of the conservation area and setting of the listed building.

The circulation link and library would be lower in height than the gym/auditorium to the rear so it would not affect neighbouring amenities.

Welsh Slate Roofing

As per the recommendation of the Conservation Officer, the existing roof material (corrugated iron) would be removed and replaced with Welsh Slate tiles to the existing single storey element to the rear of the main listed building.

Residential Amenity

The proposed uses, especially the retail unit, are likely to be beneficial in terms of impacts from noise,

litter, smells and late-night opening, compared to the previous large A3 use.

With regards to the school use, the proposal would include the renovation of the existing buildings to include a gymnasium/auditorium, labs, study pods and lunch room; and the existing outdoor garden and courtyard would be used as play space. Given that the proposed use lies adjacent to an existing school and due to there being no proposed increases in staff or student numbers, which could be controlled by means of a condition and/or S106 legal agreement, it is considered that a material increase in noise and general disturbance would not result. The expansion would result in much needed space for additional facilities rather than extra classrooms and existing noise would most likely dissipate rather than intensify.

The outdoor area could be used for informal teaching and during play times. Despite this, the area is well contained with built form enclosing it on all sides with nothing directly facing Mansfield Place, the play area lies adjacent to an existing play area so the amount of noise generated would not be materially greater and it is considered that any resulting noise would be less harmful than the current lawful use as a commercial restaurant. The current restaurant use has previously resulted in a significant amount of noise late into the evening, over the weekend and on bank holiday events. The proposed school use would be limited to Monday to Friday mostly during daytime hours, with possibly some after school events extending until 9:00pm, and not at all on weekends or bank holidays.

The application has been supported by a Noise Impact Assessment. It considers that the noise associated within the internal spaces would be unlikely to have any greater impact than a commercial restaurant and would be adequately controlled by the existing fabric of the buildings. With regard to the external spaces, the additional noise that may result from the simultaneous use of the existing and proposed external areas is considered to be *de minimus* (an increase of just 0.5dB, with the average human unable to discern a sound level difference of less than 3dB). Furthermore, it concluded that the use of the external space for continued A3 would generate a noticeably higher level (6dB) of sound than that predicted for the proposal here.

Highways

As per the advice given during pre-application, a Transport Statement and Travel Plan have been submitted. The documents confirm that there would be no increase in staff or pupil numbers as part of the proposal. Furthermore, no changes to drop off and collection points or to the entrances of the school would be made.

The modal split survey found that 57% of children walk to school followed by 20% relying on public transport. Only 15% travel by car. Given that the proposal should not attract any new trips to the site nor change the trip profile of the school, on the basis that there will be no additional school pupil numbers, it is considered that it would not be likely for any harmful impacts to result from the proposed development. However it is important that these intentions are maintained and that there are controls to ensure that the spaces created do not turn into new classrooms at a future date to allow an expansion of the school numbers and consequent effects on traffic and amenity.

CIL

The proposed development would not be CIL liable as educational developments are not subject to Mayoral or Camden charges. Furthermore, the development would not result in an increase of 100sq.m or more so would not trigger a charge even if one were to be relevant.

Conclusion and Recommendation

Based on the above assessment, the proposed development is considered acceptable and would be likely to result in less harm than that created by the previous restaurant use here. Despite this, there

are still concerns regarding how the new school space would be managed as it could have the potential to materially harm the surrounding highways networks and residential occupiers who lie in such close proximity. To ensure that the existing use does not result in this harm, it is recommended that a Section 106 Agreement be entered into between the Council and Heathside School before planning permission can be granted. The Agreement would require submission and implementation of a Management Plan prior to occupation of the new premises, to control the use and function of the additional school space in order to ensure there are no additional classrooms or an expansion of pupil numbers. The Plan would include hours of operation and classes, including extra events, sessions and activities; details of who would use the facilities (i.e. just pupils of the lower school or would it include students from the upper school or from outside of the school); the numbers of students and staff members enrolled at/working for the school; how the new spaces would be used by the school (i.e. for what purpose/function) and details regarding whether the facilities would be let for non-educational purposes (e.g. the auditorium being used by a community group to perform a play).

Subject to the above issues being adequately addressed by way of a Management Plan, it is considered that the proposal would not result in an undue level of harm to highway conditions and the nearby occupiers by way of noise or general disturbance.