

Address:	Former Hampstead Police Station 26 Rosslyn Hill London NW3 1PD	
Application Number:	2016/1590/P	Officer: Zenab Haji-Ismail
Ward:	Hampstead Town	
Date Received:	22/03/2016	
Proposal: Change of use from police station (sui generis) to school (Use Class D1) including the partial demolition and extension to the rear and associated works.		
Background Papers, Supporting Documents and Drawing Numbers: Existing drawings: 114031 - P000, 114031 - P100, 114031 - P001, 114031 - P002, 114031 - P003, 114031 - P004, 114031 - P005, 114031 - P006, 114031 - P007, 114031 - P008; Proposed drawings: 114031 - P101, 114031 - P103, 114031 - P104, 114031 - P105, 114031 - P106, 114031 - P107, 114031 - P200 Rev 2, 114031 - P401, 114031 - P402, 114031 - P403, 114031 - P404, 114031 - P405, 114031 - P406, 114031 - P500, 114031 - P501, 114031 - P502, 114031 - P503, 114031 - P600, 114031 - P601, 114031 - P602 and 114031 - P700 Rev 2; Supporting document: Design and Access Statement (dated March 2016), Construction Management Plan, Construction Management/Logistics Plan, REC Air Quality Assessment (dated March 2016), Tree Report (dated May 2015), Abacus Belsize Primary School (March 2016), Synergy Sustainability Statement (dated 2016), Surface Water Drainage Statement (dated March 2016), School Travel Plan Pro-forma, Maddox Associates (dated March 2016), Pace Consult Sustainability (dated March 2015) and Built Heritage Consultancy Heritage Assessment (dated March 2016) Rear Elevation Brickwork Detailing, Bat Survey (June 2016).		
RECOMMENDATION SUMMARY: Refuse Planning Permission		
Related Application	2016/2042/L	
Proposal: Partial demolition and extension to the rear of the Grade II Listed Building and associated internal and external works in relation to change of use from police station (sui generis) to school (Use Class D1).		
Background Papers, Supporting Documents and Drawing Numbers; Existing drawings: 114031 - P000, 114031 - P100, 114031 - P001, 114031 - P002, 114031 - P003, 114031 - P004, 114031 - P005, 114031 - P006, 114031 - P007, 114031 - P008; Proposed drawings: 114031 - P101, 114031 - P103, 114031 - P104, 114031 - P105, 114031 - P106, 114031 - P107, 114031 - P401, 114031 - P402, 114031 - P403, 114031 - P404, 114031 - P405, 114031 - P406, 114031 - P500, 114031 - P501, 114031 - P502, 114031 - P503, 114031 - P600, 114031 - P601, 114031 - P602, 114031 - P700; Supporting document: Design and Access Statement (dated March 2016), and Built Heritage Consultancy Heritage Assessment (dated March 2016) and Rear Elevation Brickwork Detailing (June 2016).		
RECOMMENDATION SUMMARY: Refuse Listed Building Consent		
Applicant:	Agent:	

Mr John Skirving Kier Construction London Ltd c/o agent	Thomas Darwall-Smith Maddox and Associates Ltd 23 Hanover Square W1S 1JB
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ANALYSIS INFORMATION

Land Use Details:		
	Use Class	Floorspace
Existing	<i>Sui Generis</i>	1,906 m ²
Proposed	<i>D1 Non-Residential Institution</i>	2,323 m ²

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	15	0
Proposed	1	0

OFFICERS' REPORT

Reason for Referral to Committee: **The Assistant Director for Supporting Communities has referred the application for consideration [Clause 4].**

1.0 SITE

- 1.1 The application relates to the vacant Former Hampstead police Station at no 26 Rosslyn Hill. The site is located on the north side of Rosslyn Hill at the junction with Downshire Hill within the built up area between Belsize Park and Hampstead. The former police station is classed as a *sui generis* use under The Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application comprises the site of the former police station and associated former stable block to the rear. A Victorian residence abuts the site to the South East and was formerly used by the Metropolitan Police. The residence does not form part of the application site.
- 1.3 The site is Grade II listed and sits within the Hampstead Conservation Area. The main building is three storeys, plus a basement, and constructed in red brick with stone dressings as designed by J Dixon Butler (1910-13).
- 1.4 The site is referred to in the Hampstead Conservation Area Statement as a feature of the Rosslyn Hill and Downshire Hill streetscape.
- 1.5 The Downshire Hill elevation provides an understated entrance and exit point directly from the Judges Chamber area of the Magistrates Court. The 4th entry point is also on Downshire Hill and is located to the rear of the existing building. This was the vehicular entry point to the rear of the site, which was used as a car park in the more recent years of the building's use and previously for stables under

the Metropolitan Police. To the rear, the slope of Downshire Hill results in level access to the basement. The building has two wings to the rear, at each end of the façade, forming a U-shaped building. There is a two storey stable block to the eastern corner of the site, which was built at the same time as the main building.

- 1.6 The site has a PTAL rating of 4, which is a good accessibility level and the site sits within a controlled parking zone.
- 1.7 It is believed that the building was occupied by the Met Police from 1913 until 2013. The site is currently owned by the Educational Funding Agency (EFA), who purchased it in 2013. The purchase was part of a wider scheme promoted by the Mayor of London, through which public land and property was to be freed up across Greater London to accommodate 11 free schools.

2.0 THE PROPOSAL

Original

- 2.1 Planning permission and listed building consent is being sought for the change of use from a police station to a two form entry free school for 420 pupils and 35 members of staff. The proposed school is intended to operate as a free school for the Belsize Ward. The school would be open to children from the ages of 4-11. Although a free school is being proposed, the application must be considered on the basis of any school that would be located at the site.
- 2.2 The applicant has indicated that parts of the school could be made available for community use outside of school hours, but details of the community use have not been agreed.
- 2.3 The proposal would also involve the demolition of the existing rear wing and the erection of a new rear extension with alterations to provide: -
 - 14 Standard Classrooms
 - 1 Specialist Classroom
 - 1 Library
 - 1 Multi- use Hall with Associated Kitchen
 - 1 Studio Hall
 - Associated Group Rooms
 - Associated Offices and Meeting Spaces
 - 1 Staff Room
 - Associated Service Spaces
 - 1 Play deck at Upper First Floor Level

The accommodation would be arranged over four floors. Each floor, with the exception of the second floor, would be split into two or three levels. These levels would be served by two main staircases with additional steps between split levels where necessary. All levels are accessible through the use of a lift or platform lifts.

- 2.4 The proposal would involve the removal of a spine wall to accommodate teaching space and ancillary accommodation. A new corridor would be introduced and the rear wall of the listed building is to be retained and exposed internally.
- 2.5 The extension to the rear is proposed to be full width and the overall height of the proposed rear extension would be 11.1 m, 17.7m in width and the rear extension would project out partly by 7.4m and partly by up to 12m from the original building.

Revisions

- 2.6 Following extensive discussions with officers, the applicant submitted revised rear extension. The changes are namely to the facing materials. The original rear extension featured yellow brick with blue engineering brick; the proposal now features a red brick extension.

3.0 **RELEVANT HISTORY**

- 3.1 PW9702986R1 – 05/05/1998 planning permission granted for the erection of a covered walkway and bicycle storage area.

Associated application

Abacus School – Jubilee Waterside

- 3.2 2016/2335/P – Registered: Temporary change of use to educational (Class D1) use for 2 academic years (until 21 August 2018).

4.0 **CONSULTATIONS**

Statutory Consultees

Historic England

- 4.1 Historic England responded to the consultation on 25th April 2016 noting the following:
- John Dixon-Butler worked as the surveyor to the Metropolitan Police between 1895 and 1920 during which time he designed over 200 police stations and courts. The success and longevity of his work was, in part, due to the local landmarks his buildings created as well as the attention to detail of their interiors. A number of his buildings were listed as part of a thematic study including Hampstead Police Station at grade II.
 - Historic England has no objection in principle to the reuse of this building as a school. In considering the impact of the proposals on its historic fabric, it is my view that the loss of the principal internal staircase would cause harm to the historic and aesthetic value of the designated heritage asset. Its simple, utilitarian form and appearance demonstrates Dixon-Butler's careful attention to the functional but graceful aesthetic of the building's interior. The same staircase design is found in other listed examples of his work. At least one other been successfully retained in

conversion to a primary school, which suggests that it could be retained. Its loss is unjustified and sympathetic alternatives, which address the safety concerns highlighted in the application, should be explored further.

- There are other listed building consent and planning matters associated with the proposed scheme on which Historic England do not wish to make any comments. In this respect, I recommended that the application be considered in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.2 The following organisations were formally consulted on the application, but no response has been received:

- Design Council
- Ancient monument Society
- Georgian Group
- Victorian Society
- Twentieth Century Society
- Society for the Protection of Ancient Buildings
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Conservation Area Advisory Committee

4.3 The Hampstead Conservation Area Committee objected to the proposal on the following grounds:-

- *Use of the site and adjoining owned site*
- *Need for a school*
- *Catchment area*
- *Planning of the building*
- *Traffic & street use, submission response*
- *Air quality*
- *Design*
- *Heritage Statement response*
- *Harm to neighbouring amenity*
- *Lack of meaningful consultation*

Local Groups

4.4 Full objections submitted by local groups can be viewed fully online

Heath and Hampstead Society - objected to the proposal on the following grounds:

- There is no evidence of need for a new 420-pupil Primary School in this location there are 13 LA, Voluntary- Aided or Community schools.
- There is no evidence that these are failing to satisfy demand within the catchment area defined by the applicants (a much smaller area than NW3).
- The Society considers the applicant's statement is insufficient evidence to support the foundation of a new school, let alone one for 420 pupils.
- Population census returns in Belsize do not support the assessment of such numbers of children.

- 4.5 **Hampstead Community for Responsible Development (HCRD)** - includes members of Hampstead Hill Gardens, Downshire Hill Residents Association, Keats Grove and Rosslyn Hill. HCRD initially objected to the proposal on the following grounds:
- Education need, including that in the context of the scale of the proposals;
 - Transport, with specific reference to travel patterns and the identified catchment area
 - Heritage, including the impact upon the Grade II listed buildings;
 - Design considerations;
 - The robustness of the pre-application consultation exercise.
- 4.6 **Harwood Savin Ltd (Town Planning Consultants)** - appointed by HDRC produced the following reports:
- Asset Heritage Consulting: Heritage Report
 - JMP Transport Assessment Audit
 - Letter to Abacus Parents
 - SWEL Review of Air Quality
 - Education design review
 - Ion Acoustic noise assessment review

The HCRD's further detailed objection through Harwood Savin can be summarised on the following grounds: -

- Principle of development in this location does not provide appropriate and sustainable use.
- School does not lie in the Abacus's catchment area and does not meet its own stated requirements for a 210-pupil school within easy child walking distances centred in Belsize Ward
- Calculations have included those not in employment and figures do not accurately represent the modal split of trips. Modal split for driving a private vehicle increases from 6% to 11%
- Site is located within the Hampstead Town Ward whereas the existing transport conditions chapter of the TA provides modal splits for the Belsize Ward.
- Road Traffic Accident Statistics and parking Stress Surveys – these do not include any consideration of weekday evening parking demand. School has aspirations to introduce some evening activities No absolute cap on schools admissions policy from outside of the defined catchment. No robust sanctions which can realistically be enforced against parents who do choose to drive are proposed.
- Congestion issues - Downshire Hill records 70% and 80% parking stress respectively for the AM and PM peak for Pay and Display/ Pay by Phone bays.
- Potential safety conflicts around the school entrance if a parent or visitor is trying to access the disabled car parking space on Site.
- Detrimental impact on designated heritage assets, Grade II listed building and the Conservation Area from extension and loss of internal fabric without sufficient justification and is not outweighed by the benefits from the scheme as a whole. Lack of justification fails the statutory requirements of the act.
- Substantial loss of historic fabric and the impact on the significance of the listed building has not been adequately justified by the applicant.

- Concerns with design and scale, massing, design of the rear extension in relation to host building and wider conservation area.
- Design is dictated by use.

4.7 **The Council of British Archaeology – strongly** object to the proposal and considered it is over development of the site, which would adversely affect the setting of the adjacent listed building.

4.8 **Friends of Abacus Belsize Primary School (FAB)** - support the application for the following reasons:

- Express support for the school at its proposed location Parents are concerned that a refusal could significantly disrupt children’s education, development and friendships they have established
- The Abacus Catchment area is strongly focused on Belsize Park
- Camden (education) is not providing basic need as Camden is using tools (bulge classes) that should be reserved for exceptional one-off events to provide sufficient places
- Abacus as a 2FE school would largely remove the on-going requirement for bulge classes in the West of the borough, meaning that Camden can only provide basic need on the basis of there being a 2FE school to the West of the borough.
- If Abacus cannot secure a permanent home, the local authority will have to find places for 120 children across 4 years predominantly in the West of the borough
- Camden’s school planning zones as currently used/ interpreted hide the fact that Camden are not providing basic need in parts of the borough, which is a real issue that should be addressed

4.9 **The Church Row and Perrins Walk Neighbourhood Forum** - object to the proposal on the following summarised grounds:-

- Applicant acknowledges that is has not adequately consulted local residents
- Proposal is for a school with pupil capacity in the top 10 of NW3’s 55 schools.
- Pupils will come from as far afield as Cricklewood, Regent’s Park, Kilburn, and Kentish Town and it is also not a local school
- Application shows just 27 pupils are currently in the catchment area, and there is no justification for local demand of 420
- Increase in pupil numbers will increase traffic in an areas with a known school run issue
- Associated increase in pollution is contrary to European Air Quality Directive 2008/50/EC
- Proposal will result in a further over concentration of schools in NW3 and deny Camden the possibility of converting the building into residential accommodation
- Applicant has failed to demonstrate exceptional circumstances let alone actual need for the proposed replacement extension of a Listed Building in a Conservation Area
- There is no assessment of the noise coming from the school play areas, on the rooftop - does not comply with DP28

- 4.10 **Andrew Dismore: London Assembly Member for Barnet and Camden** - objects on the following summarised grounds
- Those living on nearby streets would be excluded, whereas pupils would have to travel maximum specified distances to access the school
 - Impact on school run figures and create local conflicts.
 - Set unacceptable precedent for other existing and new schools. Site could be sold, with an established educational planning use; in all likelihood to an existing fee-paying school, no longer a public benefit
 - Unacceptable design goes against all the principles of conservation. Building work is larger, bulkier or higher than existing, making the new work more conspicuous and obtrusive than what remains of the original.
 - Concerns with materials.
 - Conversion of the courtroom to a standard classroom, and the loss of the cells would be a severe loss
 - Rooftop play area, with metal mesh safety screen, would be a visual eyesore, overlook neighbours and be a generator of noise.
 - Impact from noise of ground level play areas on neighbours.
 - Transport report is overoptimistic statistics on predicted car use, school travel policies, and parents predicted, as opposed to actual behaviour. The school would put significantly more cars on our roads, worsening traffic congestion, parking chaos, road safety and air pollution
 - Likely increase in vehicle use and access to the site would increase air pollution; the addition of further vehicle growth from Abacus school traffic run would make an unacceptable situation worse.
- 4.11 **Pilgrim's to Willoughby Residents Association** - object to the proposal on the following summarised grounds: -
- Concerns that on traffic and trip generation, while the school is committed to promoting sustainable modes of traffic, there are "no teeth" in this 'no-car' policy
 - A few cars inconsiderately parked can be hugely disruptive in a small area
 - Turning the magistrates' court into a classroom would destroy the essence of what is interesting and important about this room: Demolition of the interior would cause substantial harm to this heritage asset, contrary to NPPF 132: "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."
 - In the past, the courtroom has been used for educational purposes to show young people how the court system works and to encourage them to learn more about the legal system. The courtroom should be preserved as it is, as an important educational resource, and remain protected for future generations.
- 4.12 **Councillors Baillie and Spinella** - comments are summarised as follows: -
- Increased numbers of children in an already densely populated area, traffic congestion and pollution is a concern
 - It was understood locally that Abacus Primary school would be a small school for Belsize children. Residents are now faced with plans for double the amount of extra children in the Hampstead area (420).
 - There are 50 schools in the Hampstead area. The proposed Abacus school would be one of the largest

- Catchment area defined on the school’s website is vastly different to the ‘catchment and accessibility plan’ submitted.
- There is not sufficient justification for demolition of the rear extension and the scale of the new extension
- Concerns about the size of the proposed building generally considering the need to be sensitive to the listed parts. The size, height, colour and choice of materials, increase to floor space and plans for playground space are considered unsightly in a conservation area. The plans do not enhance the conservation area
- The children are currently car free to the temporary buildings as Camden currently provides bus services. Camden cannot and will not enforce a traffic plan in the future. A wider catchment area is much more likely to lead to children arriving in a car.
- 420 pupils are not quiet. Residents have queried the existing noise report and the school’s ability to manage noise when the children are outside of the school.
- The existing traffic congestion is hugely problematic for school children. As idling motor vehicles in congested traffic produce more pollution than moving vehicles, the proposals will increase nitrogen oxide air pollution.

4.13 **London Borough of Camden: Education Directorate** – object to the proposal on the following summarised grounds: -.

- Currently five primary schools in the Belsize Park Ward (exc temporary Abacus School) with a capacity of 1,120 pupils (London Borough of Camden, 2015).
- The two form entry school could result in vacant reception age places. 3% of all reception age places available across those three planning areas are vacant and, this equates to 42 places. The proposal would negatively impact on existing school provision, as it is likely to draw pupils and funding away from those schools.
- The education department has planned for the projected population growth in the borough up to 2024/25 and provision in this part of the borough is sufficient. A two form entry school would result in a surplus of places up to 2024/25.

4.14 **Adjoining Occupiers**

<i>Number of letters sent</i>	81
<i>Total number of responses received</i>	521
<i>Number in support</i>	181
<i>Number of objections</i>	237

4.15 Full objections and supporting comments received by the Council are available to view online on the Council’s website.

Objections

4.16 A summary of the issues raised are grouped into categories, as far as possible, although there is some inevitable overlap between some categories, which are summarised below:

Land use

- Already 37 schools, 13 of which a non-fee paying in Hampstead with over 10,000 pupils. There are 3 schools within 500meters of the development.
- There are enough school places for every child for the next 10 years. Hampstead has a policy against building new schools
- No evidence that there is a need for 420 new school places in the catchment area. The identified need was for 210 school places in Belsize Park/Swiss Cottage
- Will damage existing schools resulting in financial consequences on existing schools, just two unfilled places could cost a school up to £87,000 which is equivalent of three teachers salary. Existing schools will become undersubscribed and will accept children from even further afield or forced to close
- There should be no other uses on site after hours
- The school, should be in the middle of the catchment area it is meant to serve
- There are excellent alternative uses for this building for the local community
- Police station was a local amenity - would be ideal as an outpatient extension of the Royal Free.
- There should be a public consultation on what happens to the police station, so that people can put forward their ideas
- Children in Belsize will be segregated
- The government plans to force all primaries to become academies, Abacus as a school for Belsize will become meaningless as admission policies will be centrally controlled
- The catchment area doesn't include homes in the locality of the proposed premises
- The former Belsize Fire Station should have been earmarked for a new school

Heritage and Design

- Over-development of a listed building, the plans have little regard for some of the building's major architectural features
- should not be allowed to be overdeveloped because it is owned by a Government Body EFA
- Concerns with the scale, bulk, design and materials of the highly visible extension on the host listed building and the wider conservation area.
- Extension is ugly and too large in scale and would dramatically alter the nature of this conservation area
- The architecture is overbearing and intimidating 'like a 1990s office building'
- Materials are low-cost bricks, in a wrong colour without taking any cognisance of the surroundings
- Development would have a detrimental impact on the architectural and historic interest and significance of the building and its setting, to the settings of nearby listed buildings, to the character, appearance.
- The submitted 3D visuals demonstrate very clearly the potentially harmful impact of the proposals on the listed Police Station and Magistrates' Court and their setting.
- Proposal would not offer substantial public benefits that would outweigh such harm
- Concerns with impact of raised buildings and damp.

- The 1.5 storey playground structure completely confounds height stipulation
- The Rooftop playground facing north is open to all elements with little or no protected/secluded areas
- Children will feel 'caged in' surrounded by wire or walls.
- The site should be accessed from the existing main entrance where disabled access can be readily incorporated with sensitive design
- The entrance point on Downshire Hill at the narrowest part of pavement unnecessarily inconveniences local residents and be a danger to users of the school

Amenity/Noise

- rooftop playground will result in a gross invasion of privacy direct overlook into bedroom windows and into neighbouring garden
- The levels of noise coming from playgrounds, external teaching area and roof top play areas would be harmful to neighbouring residents
- The noise from children on the rooftop playground would be audible from Pilgrims Lane to Pond Street
- The comings and goings of 420 pupils would have a harmful impact on this quiet residential street
- The school have stated they will be staggering children's playtime as there isn't enough room for all the pupils at the same time. Hampstead will suffer from noise pollution throughout the day
- The extensive building work proposed will also be noisy and disruptive to traffic over an extended period of time
- The applicant has understated the impact of noise from play areas. This is likely to be greater and will have an impact on the amenity of neighbouring residents.

Transport

- School outside the area it is meant to serve (catchment from Cricklewood to Regents Park and from Kilburn to Kentish Town) will lead to substantial additional traffic in Haverstock Hill, Rosslyn Hill and Downshire Hill
- The junction between Rosslyn Hill and Downshire Hill is a blind corner, the proposal could increase likelihood of an accident
- Would be dangerous for patients visiting the doctor surgery opposite
- The development would disrupt the main flow of traffic into London and could bring it to a virtual standstill.
- impact the main route for ambulances to and from the Royal Free Hospital
- The idea of young children with siblings in pushchairs walking to Hampstead from a number of miles away is not feasible walking times in the transport assessment are inaccurate
- no enforcement to stop traffic chaos in an area already suffering from extreme congestion problems
- Travel plan would not be effective
- There is no construction management plan
- It will be virtually impossible for anyone to walk on the pavements.
- Not enough attention is given in the designs to service and waste

Air Quality

- This will add pollution to an area already suffering from excessive air pollution emissions
- Recent research by the Hampstead Neighbourhood Forum has shown that the Rosslyn Hill/High Street zone is well over double the accepted upper emissions limit
- Hampstead is already very polluted with poor air quality and such a large building with so many people and additional cars and traffic will make the air pollution problem even worse

Environmental Issues

- Pollution will get significantly worse.
- Large earthworks could cause cracks and damage to neighbouring property

Lack of meaningful public consultation

- Valid objections raised at Development Forum on 24th February have not been taken into account
- The consultation is too limited as this has a major effect on the whole neighbourhood.
- The applicant submitted the application just 4 weeks after the Development Management Forum. The developers running around once the application has been submitted is too late

4.17 Supporting Comments

- Without Abacus many Belsize children would only be offered places at schools a long distance away
- For someone that cannot afford a private school and does not want a religious education for his child, there aren't many options and they are all oversubscribed
- Belsize Ward continues to have one of the highest birth rates of all of the wards in Camden. Swiss cottage and Haverstock wards, which abut Belsize, also have similarly high birth rates compared to the rest of Camden.
- The school is more desirable than a Waitrose branch
- This is a wonderful way of retaining the building as a community asset - better than it being turned into luxury flats
- This is the only viable option - other properties looked at were all too small, impossible to adapt, too far away or not available
- students almost entirely come from the catchment area which includes Belsize Park and parts of Hampstead
- The Department for Education has decided that the site is large enough for a two-form entry school. The only place this decision could be over-turned is with the Department of Education and the Secretary of State
- There will be considerable advantages to the school it will enable a more diverse curriculum to be delivered (as there will be greater resources for part time specialist teaching), such as outdoor learning, languages, drama, music, gymnastics, science and other curriculum and extracurricular activities
- There are no other suitable sites available: an extensive search over many years by several agencies, including Camden Council, for suitable sites in

Belsize or nearby, finally led to the Police Station being found as a permanent site for the school.

Design

- Renovating and making it a school keeps the building a part of the Hampstead community. The state of abandonment is costing Camden money
- rear extension to the site should contrast in style with the existing building design
- The plans provide a good solution to playtime noise by locating external playground facilities on the roof
- designs blend well with the architecture of the police station and is both subtle and tasteful
- Design is sympathetic to the heritage of the existing building, retaining its fine facade on Rosslyn Hill and Downshire Hill. The rebuilding at the back will not be visible from the street, except a very narrow field of vision from Downshire Hill
- In terms of the interior, it is a mess internally of corridors and pokey rooms
- Discussions about the development with local businesses shows that they are in favour

Transport

- Abacus school has a strong and successful policy on encouraging walking, scooting and cycling to school. There is good public transport provision for those parents who might be located at the foot of Haverstock Hill & there are also local tube stations
- A local school for the local need has the potential to lower traffic, as it will remove some journeys to and from state schools, which are currently at a greater distance
- The plans for the redevelopment specifically allocate ample parking areas for kids' scooters and bikes as well as bike racks for adults
- The numbers of people entering/leaving the school at peak times will be much lower compared to local tube stations.

Noise

- Many live in the vicinity of schools without the noise being a real problem
- The Village School, South Hampstead High School and New End School have rooftop play areas and these do not cause additional noise to the areas in which they are located due to walls that reflect the noise up.

4.18 Included in the 181 supporting responses are 59 emails expressing their support for the proposed free school without any elaboration.

5.0 POLICIES

National Planning Policy Framework 2012 (NPPF)
National Planning Policy Guidance 2016
London Plan 2016
Mayor's Supplementary Planning Guidance 2016

5.1 **LDF Core Strategy and Development Policies**

CS5 Managing the impact of growth and development
CS10 Supporting community facilities and services
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change through promoting higher environmental standards
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces & encouraging biodiversity
CS16 Improving Camden's health and well-being
CS17 Making Camden a safer place
CS18 Dealing with our waste and encouraging recycling
CS19 Delivering and monitoring the Core Strategy
DP15 Community and leisure uses
DP16 the transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and the availability of car parking
DP19 Managing the impact of parking
DP16 the transport implications of development
DP20 Movement of goods and materials
DP22 Promoting sustainable design and construction
DP23 Water
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration
DP29 Improving access
DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities
DP32 Air quality and Camden's Clear Zone

5.2 **Supplementary Planning Policies**

Camden Planning Guidance (CPG) 2011 – CPG 6, 7 and 8
Camden Planning Guidance (CPG) 2013 – CPG 1, 2, 3 and 4
Hampstead Conservation Area Statement (2001)

6.0 **ASSESSMENT**

6.1 The principal planning considerations material to the determination of this application are summarised as follows:

- Land use: Principle of change of use
- Heritage- Impact on the listed building and conservation area
- Design – scale, bulk and detailed design
- Inclusive Design (including access and security)
- Amenity
- Transport
- Air quality
- Impact on ecology/trees/landscaping
- Energy and sustainability

- S106 contributions

Land use

Principle of change of use

- 6.2 The principle of the change of use from a police station (Sui generis) to a school (Class D1) on the basis it would bring a vacant public building back into beneficial community use and accord with national, strategic and local planning policy is supported in land use terms. However, this application for a two form entry, 420 pupil school is being recommended for refusal due to significant concerns relating to the scale and intensity of the use resulting in harm to the listed building, the amenity of neighbouring residents and the transport network. These issues are assessed in turn in the remainder of the report.

Scale and impact of proposed use

- 6.3 Abacus Belsize Primary School has been in operation since 2013 and serves a catchment area encompassing the Belsize Ward. The school is currently operating from temporary accommodation at Jubilee Waterside in Somers Town. The existing school accommodates 90 pupils and this is likely to increase to 120 pupils in 2017. The proposal under this application seeks to create a two form entry free school for 420 pupils; that is a non-fee paying secular school.
- 6.4 Paragraph 72 of the NPPF states that 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.
- 6.5 The London Plan Policy 3.16 requires local planning authorities to protect existing resources and facilitate the provision of additional social infrastructure, such as schools, with a particular focus and priority where there is a defined need for the facilities. Policy 3.18 highlights that the Mayor will support the provision of new education facilities especially where they address a projected shortfall.
- 6.6 Part D of Policy 3.18 states that proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.
- 6.7 The Planning Statement submitted within the application seeks to justify the need for a school of this scale on the basis of the growth in the population of London, as by 2030, an additional 1.5m people will be added to London's population. With the population set to increase, there is a need to provide homes and infrastructure including schools. However Camden's census data suggests that there is 8% projected growth of the population of Camden and the highest increase is expected in the 75+ age group 2023. Numbers in this age group are expected to increase by

30% (3,500 people). Age groups projected to expand the least are, 16-24 year olds (0.5%), 0-3 year olds (2.3%) and 4-10 year olds (3.0%).

- 6.8 Expected population growth varies by geographical area within the borough of Camden. The highest expected increase is in the ward of St Pancras and Somers Town. Numbers in this ward are expected to increase by 5,300 people, which is a large proportion (25.3%) of the overall expected increase of 21,000 across the borough. Other sizeable increases are expected in West Hampstead and Holborn and Covent Garden, with increases of 2,300 (18%) and 2,400 (19%) respectively. There is anticipated growth across all wards, but this will be minimal in some areas. This is demonstrated in Hampstead town; an estimated increase of 160 people (1.4% of its population) and Belsize; with an increase of 260 people (2.0% of its population) by 2023. Whilst there is an overall population increase projected across London, there would be a small increase in the wards of Hampstead Town and Belsize, of which a smaller proportion of the increase are likely to occur in the 0-3 and 4-10 year old age groups.
- 6.9 Camden's own data suggests that the population is not expected to grow in Belsize and Hampstead wards at rates that result in a demonstrable need for the proposed two form entry school in Hampstead and Belsize wards. If the school is to accommodate need from further afield this will increase the catchment area of the school, the transport impacts of the proposal are discussed in paragraphs 6.33 to 6.44 below.
- 6.10 It is recognised that establishing a free school that would provide an alternative choice of a school is welcomed. However, the key issue in this case is the scale of the school proposed in an area where there are already 37 schools with limited projected population growth. The intensity of the proposed use would result in demonstrable harm that is considered to outweigh the benefit of establishing a new school.

Impact of proposal on the listed building and Hampstead Conservation Area

- 6.11 In order to accommodate a school for 420 pupils, significant alterations and extensions are proposed to the listed building, which is located within the Hampstead Conservation Area.
- 6.12 Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states the statutory duty of Local Planning Authorities in regard to development affecting listed buildings:-

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

- 6.13 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states the statutory duty of Local Planning Authorities in regard to development

affecting conservation areas *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

- 6.14 The current scheme proposes to remove of the existing original rear wing, internal spine wall, staircases and internal partitions. A statement of heritage significance was submitted with the application, which considers that the parts of the building that are of least significance are being lost and that the alterations are necessary to accommodate a successful school. The statement concludes that whilst there would be less than substantial harm to the listed building this would be outweighed by the provision of the school.
- 6.15 The applicant has submitted further information stating that in order to comply with building regulations, the staircase would need to be replaced. The majority of the principal staircase remains intact in its original form and illustrates how this part of the building functioned. Historic England has noted *'that the loss of the principal internal staircase would cause harm to the historic and aesthetic value of the designated heritage asset. They consider that its loss is unjustified and suggest that sympathetic alternatives should be explored further.'* Historic England has also noted that the staircase design is found within other examples of work and that they were retained in similar conversions to primary schools. It is therefore unclear why it is not possible to retain the staircase in this case. The retention of these surviving elements has not been considered fully and therefore their loss cannot be supported.
- 6.16 One of the key elements of the building is the courtroom and the current proposal involves the complete removal of the panelling and original layout of this room. The heritage statement refers to this as 'by far the best interior in the building'. The Council's Conservation Officer considers that this particular room in its current form and retaining the panelling could lend itself well to an appropriate use for the school. It is acknowledged that the panelling is modest and relatively utilitarian. However, it is considered that the form and layout as well as the panelling are of significant historic interest of the listed building. As cited in paragraph 132 of the National Planning Policy Framework (NPPF), heritage assets are irreplaceable and any harm or loss requires clear and convincing justification. In this case it is not considered that the retention of the panelling and the original layout room have been explored fully. Alterations to listed buildings should be based on the principles of minimal intervention and reversibility, as well as an understanding of the designated heritage asset's significance. The loss of these features is considered to harm the historical character and the significance of the listed building.
- 6.17 It is acknowledged that there have been alterations over time to the listed building internally during the previous occupation of the building by the Metropolitan Police. Whilst some alterations to the building would be expected in order to bring the building back into use. However in this case the extent of harm through the almost total loss of legible historic form behind the principal elevations would detract from the building's historic interest, derived from the intended function expressed in its design and layout. Insufficient justification has been provided for the extent of demolition and destruction of the floor plan as well as the loss of historic fabric to accommodate the new school. As expressed by Historic England it is considered that less extensive options should be *explored further.*

Removal of existing rear wing and replacement with new extension

- 6.18 The scheme proposes the replacement of the original rear cell wing with a much larger wing that extends across the full width of, and directly abuts, the rear elevation of the listed building. The proposed rear wing would feature a width of approx. 17m and depth of 10m. The rear has been altered over time and is an area of lower significance than the principal wings, however the existing rear wing forms part of the original building and its fabric and form have historic albeit limited architectural interest.
- 6.19 As a general design principle, extensions must be subordinate in overall size, scale, proportion and design to the parent building. Paragraph 4.10 of CPG 1(Design) states that rear extensions, among other things, must be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing; respect and preserve the original design and proportions of the building, including its architectural period and style; respect and preserve existing architectural features; respect and preserve the historic pattern and established townscape of the surrounding area.
- 6.20 The proposed extension itself is considered to be over-scaled, and the form, massing and design are unsympathetic to the existing special architectural interest of the listed building. The existing unsightly alterations to the rear are not considered a justification for such an excessive and unsympathetic extension to the rear, not least since in many cases historic fabric survives behind.
- 6.21 The applicant has argued that the extension is necessary to accommodate a hall and the proposed extension is lower than the existing projecting wing and also projects out lesser than the existing wing. The existing rear wing may protrude further than the proposed rear extension, however only to a maximum of 2m and it is only 7m in width whereas the proposed rear extension would feature a width of at least 17m and depth of 10m. The proposed corridor extension to the rear would sit higher than the eaves of the main roof of the listed building masking appreciation of the historic roofline and detracting from the listed building.
- 6.22 The proposed extension removes the original rear elevation and compromises the appearance of the building from Downshire Hill by the excessive scale, massing and form of the proposed extension, as well as failing to be subordinate to the host building. Only a small part of the original rear elevation of the Downshire Hill wing would remain visible at the rear as a result of this proposal.
- 6.23 The original proposed rear extension was to be constructed of yellow stock brick and blue engineering brick which sat at odds with the existing red brick building. To address these particular concerns the materials of the proposed rear elevation were revised to red brick which is considered to be a marked improvement. Nonetheless the scale, quality of material and detailed design proposed harms the Grade II listed building, fails to mitigate the bulk and massing of the extension, and would thereby cause less than substantial harm to the architectural special interest of the listed building and would not preserve the character and appearance of this part of the Hampstead Conservation Area. The fact that there are limited views

from the wider conservation area of this part of the building is not considered to be sufficient justification.

Play deck

- 6.24 Play decks at height are commonly found in London schools, however on this building it is considered unacceptable because of its contribution to the excessive height and massing on the rear extension, which would have a harmful impact on the setting of special interest of the listed building, and the building's contribution to the character and appearance of this part of the Hampstead Conservation Area.

Conclusion

- 6.25 It is the Council's statutory duty to have special regard for preservation of the listed building, and so to avoid harm wherever possible. The Council believes that an adaptive conversion of the building to use as a school could be achieved with less harm to the significance of the listed building and the conservation area. By failing to preserve the special interest of the listed building and to sustain its significance it also fails to secure its optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset. The applicants have not sufficiently explored whether their successful adaptive reuse of the building could be achieved by means of less harmful physical interventions.
- 6.26 The proposed development would involve less than substantial harm to the special interest of the listed building and to this part of this part of the Hampstead Conservation Area. Paragraph 134 of the NPPF requires that the less than substantial harm that would be caused by the proposed development should be weighed against the public benefits of the scheme, including securing the optimum viable use of the heritage asset.
- 6.27 It is acknowledged that it is desirable and beneficial to find a new, sustainable and appropriate use for a listed building. The public benefit of providing lasting and appropriate accommodation for a school is acknowledged, but the need for a two-form entry school of the size proposed has not been adequately demonstrated in the application, and so fails as a justification for the harm involved in the proposed conversion and extension of the listed building. The degree of harm results from the scale and intensity of use that is proposed for accommodation at this site. In officers view this counts against the public benefit case attached to the proposal under consideration. Without a stronger need case, the public benefits of this proposal cannot be considered to exceed those which could be achieved by a smaller school without causing the degree of harm currently proposed.
- 6.28 To that end, the applicant has not demonstrated that harm to the heritage asset is outweighed by the benefits of bringing the site back into use. Having carefully weighed the public benefit of providing a school against the harm to the listed building, officers consider that the extent of harm to the Grade II listed building and this part of Hampstead Conservation Area outweighs the public benefit.

Neighbouring Amenity

Noise/disturbance

- 6.29 The proposal involves the introduction of a 420 pupil school in a primarily residential area. This includes the addition of a playground at ground floor level and raised level and a substantial rear extension. In assessing the suitability of the use on this location it is important to assess the potential impacts on the amenity of neighbouring occupiers. Downshire Hill is currently a quiet residential street and the proposal would result in a significant increase in noise and disturbance from the use of the playgrounds and from the comings and goings of 420 pupils. The entrance on Downshire Hill would be a width of approximately 6m, which sits directly next to the residential flats at no52 Downshire Hill. The main disturbances from the use would be limited to the drop off/collection times and break times. Even if the pickup and drop offs were staggered, there would be an increase in children and parents coming and going within an hour, which would materially impact the character of this quiet residential street in terms of noise and disturbance, it is considered that such an impact cannot be mitigated against by the use of conditions or a Section 106 legal agreement.
- 6.30 The proposed play area at ground floor level is located approximately 4.5m from the residential units at 50 to 52 Downshire Hill and the main entrance would be in close proximity to these properties. Policy DP28 requires that planning permission is not granted for development likely to generate noise pollution; or development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. A noise assessment was submitted in support of the application. This has been reviewed by environmental health officers and it is considered the report does not sufficiently assess the effects of the resulting noise from these external areas. It is considered that some of the assumptions made in relation to noise levels underestimate the potential harm on noise sensitive premises and duration in which harm may be caused. In light of the absence of the necessary information, the potential noise impacts from the use are considered to have a detrimental impact on the amenity of neighbouring occupiers.
- 6.31 In addition, the applicant has suggested that the proposed school could be used for a separate community use during the evening and at weekends. Details of additional community use and how this would be managed has not been provided. In the absence of a section 106 legal agreement, this proposal could give rise to further amenity concerns as a result of evening and week-end use, and their impact on neighbouring residential amenities. If the scheme had been considered acceptable, appropriate conditions to limit the operational hours would be recommended.

Outlook, privacy, overshadowing

- 6.32 The scale and massing of the proposed rear extension is not considered to have a detrimental impact on the amenity of neighbouring residents due to its position and location from neighbouring residents in terms of loss of outlook, loss of privacy or overlooking. The nearest residential property is no 52 Downshire Hill located 10m away. In terms of overlooking there would be limited oblique views from the proposed roof play deck to the rear and there would be sufficient separation distance from the proposed extension of approximately 10m to the side of no.52.

Transport

Catchment Area and Trip Generation

- 6.33 Hampstead already has 37 schools which bear significant pressure on the local roads during school run. This application proposes to accommodate 420 new pupils, whilst the planning statement submitted with the application considers this to be a local school, the catchment area, as outlined in the submitted transport assessment, is not exclusive and the enrolment policy of the school sets no cap on the number of pupils that can be accepted from outside of this area. This means that pupils can be accepted from a further than walking distance, resulting in car trip generation. This could be exacerbated if there is a declining local need for school places resulting in school places being taken by pupils from further afield. This is contrary to DP17, which states that the “*Council will resist development that would be dependent on travel by private motor vehicles.*”
- 6.34 Policy DP16 (section 15) recognises this issue and specifically states that the ‘*high concentration of schools in some parts of the Camden, including Hampstead and Belsize Park areas, has led to traffic congestion, road safety and parking problems related to the ‘school run’.* Paragraph 16.15 of Policy DP16 goes on to state that in ‘*areas with an existing problem with the school run, it is unlikely that the Council will grant planning permission for educational facilities that are likely to exacerbate the problem’.*
- 6.35 The applicant has indicated a willingness to sign up to a School Travel Plan. Whilst Travel Plans are welcomed, especially for existing schools and can be successful in improving sustainable travel using walking, cycling and public transport, there is no enforcement mechanism that the school or the Council can use against car usage to and from the site. Given the size of the proposed school it is considered likely the proposal would add to existing problems with the ‘school run’ and would exacerbate the existing problem. It is not considered that a Travel Plan would be sufficient to fully overcome the likely impact of an additional 420 pupils and 50 staff in an area with existing issues with traffic congestion, road safety and parking problems from the 37 neighbouring schools.
- 6.36 A parking stress survey was submitted as part of the Transport Assessment which takes into account resident permit bays, pay and display bays and electric vehicle parking bays. This concludes that the parking stress in the area is between 60%-70%. However council records show that the Hampstead (CA-H) Zone is the most compressed CPZ in the borough with 111 permits issued for every 100 spaces available. The expected level of vehicles likely to travel to and from the school each day and the lack of provisions for parents to stop safely, would lead to illegal and double parking around the site with consequential negative impacts on traffic congestion, reduced air quality and road safety. The application is therefore considered to be contrary to DP16. It is also considered that the proposal would have a negative effect on the existing parking situation, which is contrary to DP21 detrimental amendment to Controlled Parking Zones.”).

On site Car parking

- 6.37 The new site would benefit from a Public Transport Accessibility Level (PTAL) of 4 which means that the site has high accessibility by public transport. The Council

require developments to minimise parking on site through design. Parking provision for this site proposes one off-street parking space for the use of people working or visiting the school. No disabled parking space is proposed. This would normally be against Camden's Core Strategy CS11, which requires new developments with a good PTAL not to provide motor vehicle parking. The Council's aim is to promote sustainable modes of travel over the use of private motor vehicles. However, it is acknowledged that the existing car park to the rear has provision for 15 spaces and the one space proposed would result in a net loss of 14 spaces on-site through the proposed development. Maximum car parking provision is applied through the Council's parking standards, which allows for up to 1 space for the proposed use, and therefore parking provision would be policy DP18 compliant.

Cycle Parking

6.38 The school was encouraged to meet Development Policy DP18, which requires developments to sufficiently provide for the needs of cyclists and that it would be ideal for the school to aspire to our standards. The London Plan (LP) provides guidance on minimum cycle parking standards, which applies is outlined in Table 6.3 of the LP.

6.39 Table 6.3 of the London Plan require:

- Spaces: 1 space per 8 pupils and 1 space per 8 staff
- Visitor spaces: 1 space per 100 pupils

6.40 With 420 pupils and a maximum of 40 staff , as outlined in the Transport Assessment (TA) this would require 53 long stay cycle parking for pupils, 5 long stay for staff and 4 short stay for visitors.

6.41 The applicant has proposed 10 spaces for adults (staff cycles), 10 spaces of adult spaces allocated for pupil cycles, 24 spaces for junior size cycles, 60 spaces for scooters. In addition, staff cycle parking is also mixed with pupil spaces and there are no details of adequate staff changing/shower facilities provided. On the basis of the lack of sufficient numbers of spaces and the absence of detailed design of the provision, the proposal is considered contrary to Council planning policy DP17.

Highways contribution

6.42 The scale of the proposal would result in harm to the surrounding footways as a result of the comings and goings of construction vehicles, in the absence of a highways contribution to make good any damage to the adjoining footway, the proposal is considered unacceptable.

Management of Construction Impacts on the Public Highway in the local area

6.43 The proposal would involve a significant amount of demolition, refurbishment and construction works. This is likely to generate a large number of construction vehicle movements during the overall construction period. The Council's primary concern is public safety and need to ensure that construction traffic does not create (or add to existing) traffic congestion. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in

the local area. A construction management plan (CMP) would therefore have been secured as a Section 106 planning obligation.

- 6.44 A draft CMP has been submitted in support of the planning application. This provides information which suggests that the proposed works could be constructed in a safe and acceptable manner, without being overly detrimental to road safety, traffic congestion, and local amenity. However if planning permission was to be granted alterations would be required to the submitted plan, particularly to the delivery times outside peak hours to avoid additional heavy vehicles, which would be subject to approval prior to works commencing on site .

Accessibility

- 6.45 Policy DP29 expects all buildings and places to meet the highest practicable standards of access and inclusion and requires buildings and spaces that the public may use to be designed to be as accessible as possible. The accessible design officer has considered the proposal and noted that there are a number of shortcomings in accessible design. This is especially important as the school would be open to the public and should provide an inclusive environment and the highest standard of accessibility for users. If the application was considered acceptable, the applicant would have been required to submit further details setting out how the building has been adapted to meet the accessibility needs of future occupiers.

Air Quality

- 6.46 Parts of Camden have some of the poorest air quality levels in London and consequently the whole of the borough has been declared an Air Quality Management Area. Policy DP30 requires air quality monitoring to be considered on larger developments.
- 6.47 The application is accompanied by an Air Quality Assessment. The Council's air quality officer has considered the submission and note that the applicant has used Defra background data and up-to-date road data in their modelling. However this has led to an underestimation of the actual roadside levels in the applicant's modelling, as the Defra baseline is considered to be lower than the actual situation locally (this is because the Defra data covers a larger area and aggregated. It does not take into account localised impacts). Therefore, the results showing air pollution levels are within the legal limit, but diffusion tube data is showing it is not. The applicant states there is no diffusion tube data nearby. However there is more accurate diffusion tube data at 47 Fitzjohns Avenue, which is an equivalent road side environment to Roslyn Hill. The data from this site indicates that air pollution levels are over the legal limit.
- 6.48 If air pollution levels are found to be over the annual mean then the applicant should provide an indication of the number of receptors, particularly sensitive receptors, for a school, which will be exposed to poor air quality as a result of the development, their location and justify any mitigation measures. In the absence of this information it is considered that the impact on air quality as a result of the

proposed school has not been fully assessed or mitigated. On this basis, the proposal is considered unacceptable.

- 6.49 In addition, the Council requires major developments to be air quality neutral. The applicant has failed to demonstrate that the development does not have a negative impact on air quality in the local area through alternative energy strategies to address climate change impacts. In the absence of the information on the baseline and total building emissions within the submitted assessment the proposal is considered to be unacceptable.

Energy

- 6.50 The development does not meet policy targets for the extension part of the building. The London Plan requires that development proposals should be lean, clean and green. The submitted energy statement has not demonstrated that relevant Council and Historic England advice has been followed to ensure improvements do not adversely impact the existing building. The assessment also indicates that the existing building will not comply with current building regulations for air tightness levels.
- 6.51 There is an existing Gospel Oak Decentralised Energy Network (Royal Free Hospital), which is approximately 300m away from the development. The developer has not assessed the viability to connect to the existing network.
- 6.52 The applicant has stated that the roof of the new extension will be prioritised for additional play space therefore making the installation of solar thermal or solar PV unfeasible (the listed status of the existing building and roof pitch make solar PV/thermal unfeasible for the existing building). While the listed status of the building does limit the potential for additional equipment at roof level it is considered that using part of the space on the roof of any new extension could be explored.
- 6.53 In the absence of adequate information a Section 106 legal agreement to secure a pre-commencement energy strategy or implementation clause, the proposal is considered unacceptable. If the application had been considered acceptable the applicant would have been required to submit the combined area weighted reductions at each stage of the energy hierarchy.

Sustainability

- 6.54 The applicant is required to submit a sustainability statement, the detail of which to be commensurate with the scale of the development showing how the development will:
- Implement the sustainable design principles as noted in policy DP22.
 - Achieve a BREEAM Non-Domestic Refurbishment 'Excellent' (minimum) rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%).
- 6.55 Insufficient information has been submitted for assessment relating to sustainability which falls short of the policy requirements. In the absence of adequate

information and in the absence of a Section 106 legal agreement to secure a pre-commencement sustainability statement or implementation clause, the proposal is considered unacceptable.

Nature Conservation and Biodiversity

- 6.56 The proposed development suggests a potential impact on protected species, based on a number of triggers including the proximity to the Heath, the nature of the works in demolishing and/or modifying a pre-1914 building with gable roof, lighting of a listed building. The Ecological Statement submitted in support of the application shows that the site has moderate ability to support bats. However a follow-up survey has not been undertaken. This information would be needed prior to any consent being approved on the basis of the potential impact on the layout of the proposal. A bat survey has not been submitted and in the absence of information demonstrating the impact of the proposal on nature conservation and protected species, the proposal is considered unacceptable.

Trees

- 6.57 A tree report was submitted with the application which was duly considered. However an Arboricultural Impact Assessment has not been submitted to support the application and officers are unable to assess the full impact of the proposal on neighbouring tree at no 52 Downshire Hill within the conservation area and in the absence of the relevant information, the proposal is considered unacceptable.

Section 106 Obligations

- 6.58 If the proposal has been considered acceptable a section 106 legal agreement would have been required for the following
- Construction management plan
 - School travel plan
 - Service management plan
 - School management plan
 - Highways contribution
 - Sustainability and energy
 - Car free agreement
 - Level plans
- 6.59 In the absence of the Section 106 legal agreement securing the necessary works to mitigate against the impact of the proposal on the local area, the proposal is considered unacceptable.

7.0 CONCLUSION

- 7.1 The principle of the change of use from a police station (Sui generis) to a school (Class D1) and on the basis that it would bring a vacant public building back into beneficial community use accords with national, strategic and local planning policy and supported in land use terms. However, due to the proposed scale and intensity of the 420 pupil school there are resulting impacts on the listed building, the amenity of neighbouring residents and the transport network.

- 7.2 The proposal development would result in less than substantial harm to the Grade II listed building and the Hampstead Conservation Area. The proposed rear extension attempting to draw upon the local vernacular is poorly detailed and has resulted in an alien addition to the rear with a bulky appearance which would detract from the setting of the listed building and the character and appearance of this part of the Hampstead Conservation Area. On balance, the harm to the listed building and the Hampstead Conservation Area is considered to outweigh the public benefit.
- 7.3 Furthermore, the catchment area policy and the two-form entry school is likely to contribute to additional traffic and trip generation in Hampstead and Belsize Wards that already suffers from a high concentration of schools and traffic congestion as a result of the school run . On balance, this harm is considered to outweigh the public benefit.
- 7.4 There are a number of issues that remain outstanding such as the accessibility of the school for those with physical needs, full arboricultural assessment, further information on the impact of air quality, the lack of noise attenuation measures to mitigate against the impact on residential amenity of neighbouring residents and the lack of full consideration of energy and sustainability measures in accordance with policy. Without the appropriate information on these points, the application fails to demonstrate that the proposal complies with the policy requirements set out in the London Plan and Camden's Local Development Framework. In the absence of this information that demonstrates the issues have been fully considered, the proposal is considered to have a negative impact on the local area.
- 7.5 On the balance of all material planning considerations the proposal is considered unacceptable and it is recommended that planning permission and listed building consent are refused.

8.0 **LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Appendix 1: Reasons for Refusal of Full Planning Permission

1. The proposed rear extension, by reason of its scale, bulk and detailed design would harm the character and appearance of the host building which is listed and the wider Hampstead Conservation Area contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development due to its scale and intensity of use would by reason of the additional trip generation and traffic congestion have a detrimental impact on the local transport network contrary to CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (The transport implications of development) DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, by reason of the scale and intensity of use in close proximity of residential accommodation would harm the amenity of neighbouring residents contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and Policy DP28 (Noise and vibration).
4. In the absence of sufficient information, the applicant has failed to demonstrate that the proposed development would not have a detrimental impact on air quality as a result of the proposal, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development.
5. In the absence of sufficient information the applicant has failed to demonstrate that the proposed development would not have a harmful impact on neighbouring trees, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (securing high quality design) of the London Borough of Camden Local Development Framework Development.
6. in the absence of sufficient information the applicant has failed to demonstrate that the proposed development would not have a detrimental impact on neighbouring amenity in terms of noise as a result of the proposal, contrary to policies CS6 (Managing the impact of growth and development) CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development.

7. The proposed development, in the absence of a legal agreement securing a school travel plan and associated monitoring and administrative costs for a period of 5 years, would fail to promote the use of sustainable means of travel, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.
8. The proposed development, in the absence of a legal agreement securing it as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.
9. The proposed development, in the absence of a legal agreement securing a construction management plan and the establishment and operation of a Construction Working Group, would be likely to give rise to conflicts with other road users and would fail to mitigate the impact on the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
10. The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 (walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.
11. The proposed development, in the absence of a legal agreement securing a sustainability plan, would fail to ensure that the development is designed to take a sustainable and efficient approach to the use of resources, contrary to policies CS13 (tackling climate change) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) and DP23 (water) of the London Borough of Camden Local Development Framework Development Policies.
12. The proposed development, in the absence of a legal agreement securing a School Management Plan would fail to ensure that the proposed development would not have a detrimental impact on neighbouring amenity as a result of the proposal, contrary to policies CS6 (Managing the impact of growth and development) CS14 (Promoting high quality places and conserving our heritage) of the London Borough

of Camden Local Development Framework Core Strategy; and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development.

Appendix 2: Reason for Refusal for Listed Building Consent

1. The proposed internal alterations would result in the significant loss of valuable historic fabric which would have a detrimental impact on the historical character and the significance of the listed building. As such this is contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed rear extension, by reason of its scale and bulk, would harm the appearance, setting, special historic character and significance of the listed building contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies