

Jack Straws Castle, 12 North End Way, NW3 7ES

PLANNING STATEMENT

for

**Change of use of basement and ground floor levels
from Class D2 (health club) to flexible use of D1
(education), Class D2 (leisure) or Class B1 (office) with
minor associated internal alterations**

21^{2t} January 2019

1.0 Introduction

- 1.1 Planning Resolution has been instructed by Heathside Enterprises Ltd to submit an application for Planning and Listed Building Consent to London Borough of Camden for:

Change of use of basement and ground floor levels from Class D2 (health club) to flexible use of D1 (education), Class D2 (leisure) or Class B1 (office) with minor associated internal alterations

- 1.2 Whilst the primary basis of the planning application is intended to provide alternative D1 classroom accommodation for the existing Year 6 pupils at Heathside Preparatory School, the leasehold owner/freehold owner are keen to retain the commercial flexibility to revert or change between the alternative proposed D1 and D2 or B1 uses over a 10 year period.
- 1.3 This planning/commercial flexibility is provided under the terms of a 'dual use' consent under the GPDO, with the operation at the end of that 10 year period becoming the established lawful use of the property.
- 1.4 No material alterations are proposed to the Listed building, with the exception of identified relocation of three existing wooden/glass partitions, exposure of existing ground floor north facing windows (temporarily obscured internally) and additional proposed stud partitions at ground floor.
- 1.5 This statement sets out the context for this submission and provides details of the following:
- 1.6 The background and context to the application for planning and listed building consent, including details of the content of this submission;
- A description of the site and surroundings;
 - A description of the proposed development;
 - A summary of current relevant planning policy and guidance;
 - An assessment of the key planning considerations in the context of presiding policy and guidance;
 - Concluding comments.
- 1.7 This statement should be read in conjunction with the:-
1. Heritage Statement prepared by CGMS,
 2. Design and Access Statement prepared by the Alistair Downie Studio
 3. Transport Statement prepared by Caneparo Associates
 4. Draft Operational Statement prepared by the Heathside Preparatory School
- 1.8 Heathside Preparatory (Lower and Middle) School is a co-educational, non-denominational school for boys and girls aged from 2-11/12 years (it also has an Upper Boarding school that includes day pupils).
- 1.9 The Preparatory School is a small and friendly local day school housed in buildings located in and around Hampstead a few minutes' walk from Hampstead Heath, where the children play every lunchtime.
- 1.10 The proposals associated with the planning application seek to amalgamate the Year 6 pupils (aged 11/12 years) into a single education building (currently operates from 2 separate

buildings). The year 6 pupils currently number 62 pupils, and like most of the existing children, are drawn from the immediate environs, with most independently walking to school.

- 1.11 The relocated year group will have almost all of their teaching within the Jack Straws Castle building (5 classrooms) and also take lunch on the premises.
- 1.12 It is currently anticipated that there will be 10 full time staff working within Jack Straws Castle.
- 1.11 Some limited after-school care are offered to all pupils. The school uses nearby Hampstead Heath for outdoor play and learning provision. Local leisure centres are used for sports activities. The school maintains an informal atmosphere while fostering a high level of individual responsibility and self-motivation, whilst encouraging the development of the whole person.
- 1.13 As a result, Heathside Preparatory School is a relaxed and happy place and academic standards are exceptionally high – with the most recent 2017 Ofsted reports the Preparatory School were given an ‘Outstanding’ rating.
- 1.14 The School provides a broad curriculum and an exceptional mix of extra-curricular activities. Heathside is a strong and successful school that is at the very heart of the local community.
- 1.15 As a result of the desire to continually improve the education and accommodation available to staff and pupils, additional teaching accommodation is required, this property offers the most ideal opportunity for the School to meet current and future need.

2.0 Site and Surrounding Area

- 2.1 The existing site comprises part of the ground and lower ground floor within the Grade II listed Jack Straws Castle building, more specifically circa 495sqm of floorspace, currently with permitted flexible dual use as D2 leisure space / B1 office space. The remaining upper floors of Jack Straws Castle provide residential use, which are not part of this application.
- 2.2 The site is bound to the east by North End Way and the roundabout junction between North End Way, Spaniards Road and North End Way/Heath Street, to the south by neighbouring residential properties, to the west by West Heath and a Hampstead Heath public car park (operated by the City of London), and to the north by Heath Brow and a small car park associated with the residential element of the Jack Straws Castle building.
- 2.3 The site is located approximately 690m (9 minutes’ walk) north of Hampstead Underground Station, providing access to London Underground services operating on the Northern Line between Edgware and Kennington / Morden. Bus services are also available within a short walk of the site, with stops located approximately 80m from the site on Spaniards Road and approximately 200m north of the site on North End Lane.
- 2.4 These bus stops provide access to bus routes 210 and 268, which operate between Brent Cross Shopping Centre and Finsbury Park Station, and between Golders Green Station and the O2 Centre/Finchley Road, respectively.
- 2.5 The site is recognised by the TfL Public Transport Accessibility Level (PTAL) software, as having a PTAL of 3/4, representing a moderate level of accessibility to public transport.

- 2.6 The local area primarily comprises green space, with West Heath, Sandy Heath and Hampstead Heath all within walking distance of the site. A short walk to the south of the site is numerous commercial and residential properties within central Hampstead.
- 2.7 The Site lies within the Hampstead Conservation Area.
- 2.8 Apart from the original 'pastiche' elevations, the building has little historic or architectural worth and has been the subject of major internal changes of use and alterations as well as extension at the side/rear.
- 2.9 The building has a quite extensive planning history involving changes of use and alterations (including a number of abortive and temporary consent associated with the most recent A3 uses). Details of the planning history are provided below.

3.0 Planning History

- 3.1 As identified above, the main building and application (ground/lower ground floor) have been the subject of various planning and listed building applications.
- Planning permission (PWX0102190) and Listed Building Consent (LWX0102191) were granted on 25 July 2002 for conversion to A3 on ground floor and 10 residential units on upper floors and around courtyard and 11 car spaces in carpark.
 - Planning permission (PWX0202917) and Listed Building Consent (LWX0202918) was granted on 26 August 2003 for a variation to the above permission/consent to extend basement to provide A3 kitchens and gymnasium at rear for residential units
 - Planning permission (2003/3711/P) and Listed Building Consent (2003/3712/L) were refused on 23 June 2004 for conversion of existing vacant restaurant/bar and cellar on ground and basement floors into 3 new self-contained flats and communal storage for residents, plus associated internal and external alterations.
 - Listed Building Consent (2004/0782/L) was refused on 25 June 2004 for internal alterations, including removal of internal partitions and counters, to the ground and basement floors (in association with conversion from Class A3 to Class A1/A2 use as permitted development).
 - Planning permission (2004/2042/P) and Listed Building Consent (2004/1643/L) were granted on 24 August 2004 for change of use of ground and basement floors from Class A3 (Food and Drink) to a Class D2 Health Club and 2004/1643/L Internal alterations in association with change of use of ground and basement floors from Class A3 (Food and Drink) to a Class D2 Health Club.
 - Listed Building Consent (2006/1839/L) was granted on 4 October 2006 for internal works to ground floor and basement in connection with the fit out to provide a family restaurant and children's play centre (Class A4).
 - Planning permission (2007/2616/P) was refused on 4 December 2007 for the change of use of the lower ground and ground floor levels from Class A3 restaurant to Class B1 office.
 - Planning permission (2017/6640/P) was approved on 30th January 2018 for Change of use of basement and ground floor levels from Class D2 (health club/personal training centre) to flexible use of Class B1 (office) or Class D2 (leisure).

- 3.2 Following the significant conversion and change of use of the pub in the 2002/3 from public house to residential flats and a gym, the ground floor and lower ground floor commercial use have since proven to be difficult to let with several A3 and gym users failing over subsequent years.

4.0 The Proposed Development

- 4.1 The application seeks Planning and Listed Building Consent for the following:

Change of use of basement and ground floor levels from Class D2 (health club) to flexible use of D1 (education), Class D2 (leisure) or Class B1 (office) with minor associated internal alterations

- 4.2 The key features of the scheme are as follows:

- Whilst planning application is proposed as dual use consent to provide commercial flexibility for D1, D2 or B1 uses over the following 10 years, the proposals are advanced by the Heathside Primary School, to allow D1 use is for new school accommodation close to main Preparatory School (and Boarding School);
- All Year 6 pupils and associated teaching space will be located in one centre rather than spread between 2 buildings;
- Flexible multi-functional indoor teaching and learning space;
- A kitchen, allowing preparation on site;
- Extensive changing and toilet facilities to aide Hampstead heath play and changing during winter.
- Re-use of vacant and difficult to let commercial space, brought back into active local use.

- 4.3 The School proposals will bring the existing vacant listed building back into beneficial use, which will have a positive impact upon the vitality and viability of the Heath area.

- 4.4 The application submissions comprise the following:

- Planning and listed building consent application forms duly completed and signed;
- Existing and proposed plans, elevations and sections prepared by Harper Downie Architects;
- Design & Access Statement, including a Heritage Statement, prepared by Harper Downie Architects;
- Planning Statement prepared by Planning Resolution Partnership;
- Transport Statement and Travel Plan prepared by Jacobs SKM Global;

- 4.5 A pre-application consultation exercise has taken place in advance of the submission of the applications for planning and listed building consent.

- 4.6 Consultation has taken place both with officers at Camden Council, and also with immediate local residents, staff, pupils and parents at the School.

- 4.7 As a result of the pre-application consultation, the scheme was revised prior to submission, as follows:

- A restricted rear access and obscure glazing onto internal courtyard;

- Reintroduction and operational use of electronic entry bollards to prevent unauthorised parking;
- External staff supervision of pupils and parent arrival/departures on New End and Heath Brow
- Additional bicycle and 'scooter' parking area in basement;
- Submission of draft management plan, that stipulates agreed (limited) hours of operation, numbers, basis of teaching etc

4.8 The School is also seeking to maintain dialogue with neighbours and other interested parties as the scheme moves forward to address any concerns that may arise.

5.0 Planning Policy

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.2 The development plan for the purpose of these applications is the London Borough of Camden Local Plan, adopted 2017.

5.3 The statutory development plan for the application site comprises of the following relevant planning documents. (Our emphasis)

i) National Planning Policy Framework (2018)

5.4 Section 94 of the NPPF identifies that;

"It is important 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:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

ii) The London Plan (2016)

5.5 Policy 3.18: Education Facilities identifies the following Strategic policy aims:

A. The Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.

5.6 In considering planning application relating to new education uses, the Mayor of London requires local planning authorities to support planning applications: -

B. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational

purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.

- C. *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.*

iii) Camden Local Plan (2017)

5.7 Policy C2 entitled Community Facilities identifies that the Council will:

- a) *seek planning obligations to secure new and improved community facilities and services to mitigate the impact of developments.*
- b) *expect a developer proposing additional floorspace in community use, or a new community facility, to reach agreement with the Council on its continuing maintenance and other future funding requirements;*
- c) *ensure that facilities provide access to a service on foot and by sustainable modes of travel; facilitate multi-purpose community facilities and the secure sharing or extended use of facilities that can be accessed by the wider community, except for facilities occupied by the emergency services due to their distinct operating needs;*
- d) *..... In assessing proposals, the Council will also balance the impact proposals may have on residential amenity and transport infrastructure;*

5.8 Within the supporting policy text paragraph 4.33 identifies that...

"The Council will ensure schemes satisfactorily address the impacts of changes to the balance and mix of uses in the area, including the cumulative impact of schemes with planning permission or awaiting determination. Hampstead and Belsize Park have a very high concentration of schools where significant issues exist concerning the 'school run'. We will refuse applications for new schools or the expansion of existing schools in these areas, unless it can be demonstrated the number of traffic movements will not increase."

5.9 The proposed use of Jack Straw's Castle only provides replacement classroom accommodation and relocation of existing Year 6 pupils from the Heathside Preparatory School, taking advantage of a dedicated building to meet long-term education needs.

5.10 In recognition of the alternative location just outside of the main Hampstead centre (albeit only 5 minutes walk from the main Middle School buildings at New End, a full transport assessment and draft Travel Plan has been completed to ensure that there will be no unacceptable impacts from the relocated premises during the morning/afternoon arrival and departure times.

5.11 Policy A1: Managing the Impact of Development identifies that the Council will:

"Grant permission for development unless this causes unacceptable harm to amenity.

All proposals that have the potential to impact on residential amenity will need to ensure that the amenity of communities, occupiers and neighbours is protected;

- a) seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- b) resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- c) require mitigation measures where necessary”*

6.0 Planning Policy Considerations

6.1 This section of the statement assesses the proposed development against relevant national, strategic and local planning policies.

6.2 The key material considerations in the context of the applications for Planning and Listed Building Consent are considered to comprise:

- Land use considerations)
- Transportation and access
- Heritage
- Amenity

6.3 Each of these matters are addressed in turn, below.

i) Land Use

6.4 The history of the building shows that earlier attempts to run a smaller A3 pub, children's centre and most recently gym, have all failed.

6.5 The earlier change of use of to residential Class D2 gym use has failed to successfully operate from the site, with the last gym closing in December 2017 due to financial reasons as did a different gym operator prior to them - also due to financial viability reasons. Prior to the D2 use the building was a restaurant use which also closed due to lack of success.

6.6 In an attempt to find an alternative commercial use for the site, the freehold owners sought and secured Planning Permission on 30 January 2018 for the '*Change of use of basement and ground floor levels from Class D2 (health club/personal training centre) to flexible use of Class B1 (office) or Class D2 (leisure)*'

6.7 The delegated report for Planning Permission Ref: 2017/6640/P identifies that '*Other health clubs exist within a mile distance, such as 3 in Golders Green and 2 in Hampstead, thus there is adequate provision nearby in compliance with Policy C3. It is considered that its long-term loss would not harm the overall range of cultural and leisure facilities within this part of the borough*'. Furthermore, the failure of previous leisure operators demonstrates that the premises are not able to viably support a leisure use, in part due to the location, size, layout and design of the premises.

6.8 In approving the earlier dual use consent, the Council accepted that the loss of the gym is acceptable as a matter of principle.

- 6.9 The premises have been marketed since February 2018 in the hope of finding either a gym or office occupier, but there have again been no serious expressions of interest in the building and the alternative B1 use has not been implemented.
- 6.10 The applicant is therefore seeking an alternative use that would successfully and viably operate from the premises, introducing a complimentary active educational/community use, that is supported by the Council's Local Plan. Whilst the proposals are principally being advanced on the basis of the alternative proposed education use for the Heathside Primary School, the leasehold and freehold owners are keen to ensure that the premises retain the commercial flexibility for the existing and proposed lawful D1, D2 and B1 uses.
- 6.11 The alternative D1 development is not designed to increase the pupil capacity of the school, as the proposals will provide a direct replacement for existing (poor quality) Year 6 accommodation currently used within Hampstead.
- 6.12 On the basis that Heathside School (Lower School) has capped student numbers as part earlier proposals relating to additional premises on Heath Street (2014/5352/P), the School are agreeable to further limit the use and number of pupils within Jack Straws Castle. As such, the land use principle is supported by Policy C2.
- 6.13 As a result of the class/pupil replacement strategy the development will not increase pressure on the wider transport network; regardless the site is highly accessible by sustainable means as existing. Policy T1 is not triggered by the proposals.
- 6.14 Improving the permanent teaching facilities in close walking distance to the existing school means that students will not have to rely upon alternative means of access, which is a clear benefit of the proposal not least in terms of site and school operations and student safety and security; moves supported by Local Plan Policy C5.

ii) Transport

- 6.15 The formal pre-app consultation with the Council dated 20th July 2018, identified that the Officers *"...do not have any objections on land use grounds in themselves in terms of the loss of Class D2 health club or B1 office and the creation of new Class D1 facilities here. However, the issues are about impact of a new Class D1 education use on local amenity and transport conditions.*

Local Plan Policy C2 (e) on community facilities states in relation to educational bodies that 'In assessing proposals, the Council will also balance the impact proposals may have on residential amenity and transport infrastructure'.
- 6.16 Following receipt of these comments, the school commissioned Caneparo Associates as highway consultants to analyse the impact and acceptability of the proposals on transport and servicing.
- 6.17 As a result of the established nature of the school within Hampstead and the large number of local residents that populate the school, the 'relocation' of the Year 6 classrooms to this nearby building, will have little material traffic or servicing impact.
- 6.18 A Transport Note prepared by Caneparo Associates has been prepared to support this pre-application advice request.

- 6.19 Vehicular access to the site is not formally provided, however, to the rear of the site is a large car park for Hampstead Heath, operated by the City of London, which is largely underutilized during weekday peak periods.
- 6.20 The premises will incorporate a secure and sheltered cycle store which, with these emerging proposals, will provide space for 6 cycles, in accordance with the Camden Plan standards.
- 6.21 Like many schools in London, the site does not benefit from an on-site car park, and as such, the site is not capable of formally providing on-site pick-up / drop-off facilities.
- 6.22 It is anticipated that the limited number of parents who drop-off / pick-up their children from the site will make use of the existing, underutilised Hampstead Heath car park, located directly to the rear of the site. The public car park provides a large turning space for vehicles making a quick exit, as well as providing space for at least 40 cars. During AM Peak and School PM hours, the car park provides a suitable and safe location for parents to drop their children off and also to park whilst waiting for their child to finish school, subject to purchasing a displayable parking ticket.
- 6.23 The car park is accessible via Heath Brow, which provides two lanes at the approach to and at its junction with North End Way, reducing the potential for vehicles blocking North End Way.
- 6.24 Given the proximity to the main Heathside Preparatory School the pattern and means of getting to/from school will continue as currently found. The most recent survey of travel patterns within the School (and staff), illustrates that all staff arrive and depart on foot and use public transport, with only 22% of pupils transported by car.
- 6.25 It should be noted that 37% of pupils arrive and depart from school using the dedicated shuttle bus. Whilst it is anticipated that the existing Year 6 pupils that use this service will decant at the existing nearby school sites, discussions are also underway with TfL to further secure agreement to allow formal school use of the bus stops located immediately adjacent to the School on North End Way, West/East Heath Road and Heath Street.
- 6.26 The current permitted use of the proposed Site is D2 leisure or B1 office and it is expected that the proposed use for D1 education space for approximately 70 pupils will give rise to a similar, if not reduced number of daily trips.
- 6.27 The proposal to change the lawful use from D2 leisure has the potential to reduce the number of two-way daily trips by 269 trips, a significant reduction. Within this, it is anticipated that there will be a reduction in the number of single and multiple occupancy vehicle trips to the Site, equivalent to a two-way daily reduction of 24 and 100 trips respectively.
- 6.28 On the basis that all future pupils will be decanted from existing school premises and there is no intention to re-use these premises by the school, the trips generated to and from Jack Straws Castle will be transferred rather than new trips to the transport and highway network. This is a critical and important consideration supporting the proposals under Policy C2.
- 6.29 The Council's adopted Local Plan seeks to promote sustainable transport initiatives, including encouraging walking and cycling, improving public spaces and pedestrian links, and enhancing the public realm to make it safer for pedestrians and cyclists. New developments are expected to demonstrate green transport initiatives and design elements.

- 6.30 A Transport Statement and Travel Plan have been prepared by Caneparo Associates in support of the proposed development. The key points arising within the Transport Statement are as follows:
- The proposals do not result in any meaningful increase in staff or pupil numbers on the site;
 - The site has a PTAL (public transport accessibility level) of 4 which indicates 'good accessibility' to modes of transport other than the car;
 - The site lies within easy walking distance of three local bus services and the northern line station at Hampstead.
 - At present, only 22% drive their children to school (4% car pool) with the remainder either using the shuttle bus (37%), walking (19%), rail/underground (7%), bus (5%) and cycling (6%).
 - It is pertinent to note that the below travel to school data covers all year groups and therefore has a higher percentage of pupils using cars to travel than may be the case for Year 6 pupils, who are commonly more independent in their travel methods.
- 6.31 As there will be no change to the travel profile of pupils and staff travelling to and from the school, there will be no additional traffic impact upon the surrounding highway network.
- 6.32 Caneparo Associates have also prepared a Travel Plan on behalf of the School to cover the period 2019-21. The aim of the Travel Plan is to minimise the traffic impact of the school on the surrounding road network, and in particular, to:
- Reduce the environmental impact of travel related to the school;
 - Increase the proportion of pupils travelling by non-car modes to the school;
 - Increase the proportion of staff who walk and cycle to school.
- 6.33 The travel plan targets are based on the existing travel profile for the school and take into account the development proposals. The targets are 'SMART' – Specific, Measurable, Achievable, Realistic and Time-related.
- 6.34 The predicted baseline is based on the results of the surveys carried out in December 2018. Should the monitoring surveys at any point show a material change in travel patterns, these targets will be adjusted in discussion with Camden Council.
- 6.35 Key measures proposed are summarized as follows:
- Marketing and travel awareness for new and existing pupils, staff and parents, including information on the school website;
 - Promotion of walking and cycling through the website, classroom activities, 'Walk to School Week', 'Park and Stride', cycle training for pupils, local and national event participation, liaising with Camden Council regarding safe crossing points and pedestrian routes;
 - Promotion of public transport through the School website;
 - Investigate the feasibility of introducing one or more school buses to target pupils who travel by car;

6.36 Monitoring will be undertaken annually over the 3-year period by the School's travel plan officer. Action plans have been prepared to aid the implementation of the travel plan, details of which are set out in the draft Travel Plan.

6.37 In summary, it is considered that bearing in mind the location of the proposals in an area with good public transport accessibility, combined with the fact that the current proposals do not result in any increase in staff or pupil numbers, and that the School will be looking to implement a Travel Plan, the proposed development will not impact upon transport and access in the locality.

iii) Design, Conservation and Heritage

6.38 The property comprises a Grade II listed building in a Conservation Area. As detailed in Heritage Policy D2, the Council will only permit development in Conservation Areas that preserves and enhances their character and appearance.

6.39 With regard to listed buildings, and with particular reference to this proposal, the Policy states that the Council will only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building.

6.40 The Heritage Assessment positively support the proposals, identifying that:-

"The ground and basement levels of Jack Straw's Castle are currently empty and without use. It is considered that the proposed development would provide an enhancement to the significance and special interest of the listed building through providing an active and appropriate use at ground floor.

Furthermore, it is considered that the proposal to insert light-weight and removable partitions within the ground floor space would result in a minor enhancement to the significance of the listed building by reintroducing sub-division of the ground floor and utilising the currently redundant original timber and glazed screens.

The proposed opening up of blocked windows in the north elevation of the ground floor would provide a further enhancement of the listed building.

There are no original features surviving in the basement, nor does the original plan remain legible. The proposed alterations would therefore have no impact upon the significance of the listed building.

It is considered that the proposed change of use to educational use and associated minor internal alterations would result in a minor enhancement of the significance and special interest of the listed building." Para 4.5-4.8 of CGMS Built Heritage Statement

6.41 The attached heritage statement from CGMS clearly identifies that the minor proposed internal works will have no material impact on original fabric, with any proposed stud partitioning respecting the original plan form and reversible at some future moment in time. As such the proposals are considered compliant with Policy D2.

iv) Residential Amenity

6.42 Jack Straws Castle incorporates residential flats on the upper floors above and adjoining the

existing gym. On the basis that existing pub, children's play centre and gym were previously unregulated in terms of hours of opening, it was very often found to be busiest during the early evening and weekends.

- 6.43 By contrast, the proposed school use, will only seek to operate within normal school hours with the main pupil arrivals occurring Monday to Friday 8.00am – 5.00pm. However, as a result of earlier teacher arrival, cleaning etc, there needs to be some additional weekday opening time flexibility identified as 7.00am-7.30pm.
- 6.44 The proposed school use will be subject to further teaching time restrictions as identified in their Operational Statement, currently proposing to restrict Saturday or Sunday use to 10.00am to 4.00pm with a maximum limit of 33 weekend days per year and not at all on Bank Holidays.
- 6.45 The lack of any significant evening, weekend and holiday period use, will clearly result in significantly less use than the alternative gym or office uses as currently permitted.

7.0 Conclusion

- 7.1 The history of the building shows that Class D2 gym use has failed to successfully operate from the site, with the last gym closing in December 2017 due to financial reasons as did a different gym operator prior to them - also due to financial viability reasons. Prior to the D2 use the building was a restaurant use which also closed due to lack of success.
- 7.2 In granting Planning Permission in 2018 for the alternative Class B1 (office) the Council have now accepted that the loss of private gym is acceptable as a matter of principle.
- 7.3 No firm interest has been registered in the property over the first 11 months of marketing for either D2 gym use or B1 use. The alternative B1 use has not been implemented.
- 7.4 Notwithstanding the commercial letting failure of the previous approved D2 and B1 uses, the leasehold and freehold owners are keen to retain this flexibility under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015).
- 7.5 On the basis that the Council have recently approved flexible B1 or D2 use for the premises on 30th January 2018, there are no planning issues relating to these uses, only requiring further consideration of the additional proposed flexible D1 education use.
- 7.6 The alternative education use is considered acceptable in principle and compliant with the relevant Community Use Policy C2.
- 7.7 The Transport Assessment demonstrates that:
- The site is well located with access to bus and tube services and the local area provides good quality pedestrian crossing and footpath facilities.
 - The proposals are anticipated to reduce the number of daily trips to the site in comparison to the existing uses of D2 leisure and B1 office.

- Cycle parking will be provided in line with the Camden Plan standards.
 - The limited car borne drop-off / pick-up activity is anticipated to be undertaken from the public Hampstead Heath public car park located to the rear of the site.
 - Pupils travelling by school minibus will be dropped-off at an agreed safe location close to the Jack Straws Castle, within walking distance of the site, and pupils will be accompanied by members of staff for safety purposes.
- 7.8 The alternative D1 Education use is supported by Policy unless there are any material issues that cannot be dealt with through condition or legal agreement.
- 7.9 It is considered that the proposed change of use to educational use and associated minor internal alterations would result in a minor enhancement of the significance and special interest of the listed building.
- 7.10 The impact of the proposal has been fully assessed and supported by the technical documents accompanying the planning application.
- 7.11 The proposals are therefore considered compliant with the relevant policies of the Local Plan and should be supported by the Council.