



Charles Thuaire
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 9JE

Re: Application ref: 2019/0730/P, Jack Straws Castle, 12 North End Way, London NW3 7ES

7th March 2019

Dear Mr Thuaire,

We object to the above application as follows

1. The change of use would deprive the area of useful business and leisure space.
2. It will expose children attending the proposed site to poor air quality from traffic ~~at, and close to, the busy junction of Spaniards Road and North End Way.~~
Further, the road layout is complex and there is inadequate provision to meet children's safety requirements.
3. It will increase private traffic and drop-off/pick-up around the Whitestone Pond area at times when congestion is already in excess of acceptable levels and when there should be greater incentives to use public transport.
4. Heathside school is a private enterprise pursuing a policy of expansion contrary to its various earlier promises not to do so. In respect of previous planning

applications for dual use it has repeatedly broken assurances of not increasing the pupil roll and using premises as a temporary overspill.

For example:-

- (1) In respect of an application for change of use at no 76 Heath St (ref **2014/5352/P**) in 2014 the application represented that there would be no increase in pupil roll. The Officer's report dated 16/10/14 stated that:

"Although the applicant states that the new space will be only be used as ancillary accommodation rather than new teaching space with new classrooms, it is important to ensure that the school does not later increase its school roll (249) and create new classrooms in this expanded space with consequent impacts on the school run"

- (2) In respect of a like application with regard to the Old White Bear (ref; **2016/6345/P**) the applicant represented that,

(a) The Owners (Heathside) had agreed a new lease with Bramley Bars UK Ltd ('BBUL') to operate a pub;

(b) BBUL would complete the OWB renovation over the next 12 months (so by Jan 18);

~~(c) The subletting would be on a short to medium term basis to help generate a regular income to BBUL to help contribute to the refurbishment of the OWB to secure its ongoing viability;~~

(d) Heathside only needed the accommodation as a temporary overspill teaching space and administrative function;

(e) There would be no increase in the school's pupil roll; nor would local transport conditions be affected.

- (3) The above representations were entirely false. No such lease had been, or has since been, granted and the site remains vacant notwithstanding the efforts of BBUL to engage with Miss Elliot regarding terms. It fell to the community led group, The Old White Bear Group, to recently secure with the help of Camden a renewal of the pub's ACV status.
- (4) Moreover, and according to the Ofsted Report dated September 2017, the pupil roll split between the (then) four sites within walking distance of New End had increased from **249** (May 2013 Report p3) to **532** (p9-10). The school is believed to have made an application to the DOE for a change in its registration to increase the number of pupils to **600** (p3). In 2010 there were **176** pupils.
- (5) Planning enforcement, driven in part by community concern, had to take action before Heathside complied with the planning use of retail units at nos 76 and 82 Heath Street. Prior to that the units were being used as school storage disguised by the deployment of opaque or frosted glass in shop front windows and doors.
5. The piecemeal acquisition of 8 sites spread over New End (nos 16, Old White Bear, The Schull, Heath St (nos 76, 82 and Baptist Church) West Heath Rd and Fitzjohns Avenue (Hampstead Territorial Centre) has led to an unacceptable increase in pedestrian and vehicular congestion, in particular at the entrance ~~by the Baptist Church and the road network surrounding the Old White Bear but~~ also as a result of interaction between the sites. School coaches and minibuses are frequently observed to park on the footway and road outside the Baptist Church in Heath Street in contravention of traffic regulations.
6. Such is the increase in traffic and pupil numbers that there is a current consultation regarding a proposed Healthy School Scheme in New End with a view to reducing traffic and poor air quality etc generated by rat running and school runs blighting the New End area.

7. Of additional concern, a subsequent Ofsted Report, dated 27th September 2018, concluded that the school did not meet the independent schools standards and national minimum standards regarding pupil safeguarding, staff suitability, premises safety etc.
8. Any submission by the applicant that the Jack Straw site will ease the problems created by disparate site locations must be viewed in the context of the above. For example, the school's recent acquisition of the West Heath Road site was not to rationalize pupils in one place but with a view to expanding the school with a boarding facility.

Yours sincerely,

Martin Hicks QC and Nicola Finnerty