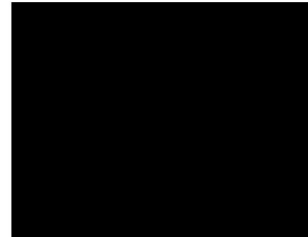




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15<sup>th</sup> March 2019

Ref: 2019/0730/P & 2019/0974/L

Dear Mr Thuaire

**Site: Jack Straws Castle, 12 North End Way, London NW3 7ES**

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

Nexus Planning is acting on behalf of the City of London Corporation ('the City'), in response to two current applications concerning a change of use from the existing health club (Use Class D2) to flexible uses for education (Use Class D1), leisure (Use Class D2) and offices (use Class B1) (the 'proposed development'). The application references are 2019/0730/P (full planning application) and 2019/0974/L (listed building consent).

The site address is Jack Straws Castle, North End Way, London NW3 7ES ('the site'). This response is primarily concerned with the impact of the proposed development on Hampstead Heath. The City objects to the proposed educational development and considers it to be inappropriate in this location.

### **Background**

The City of London Corporation is custodian of over 10,700 acres (4,330 hectares) of Open Space in and around London, which are enjoyed by more than 23 million visitors each year. The open spaces managed by the City are important wildlife habitats but also provide many services and facilities, including outdoor swimming, sports pitches, tennis courts, play areas, fishing and much more.

This role was established in the 1870s, when the City was concerned that access to the open countryside was being threatened by development and therefore promoted two Acts of Parliament. The Epping Forest Act and the City of London (Open Spaces) Act received assent in 1878 and enabled the City to acquire and protect threatened Open Spaces from future development.

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The Heath had been previously managed by a number of bodies, ranging from the 19th-century Metropolitan Board of Works and the London County Council, through to its successor body, the Greater London Council (GLC), from 1965 – 1986. With the abolition of the GLC in 1986, the London Residuary Body took interim control of the Heath while its future was determined. Between 1986 and 1989 they undertook consultations on the future of the Heath, which resulted in a recommendation that it should be passed to the City of London Corporation.

The London Government Reorganisation (Hampstead Heath) Order 1989 added the Heath to the City Corporation's portfolio of open spaces in and around London, which already included Epping Forest, Burnham Beeches, the Coudsdon Commons, Spring Park, West Wickham Common, Highgate Wood, Queen's Park and West Ham Park.

Over the past 30 years, Hampstead Heath has been run as a charity with the City Corporation as sole trustee. The objective of the charity is 'the preservation of Hampstead Heath for the recreation and enjoyment of the public'.

In 2018, the City Corporation acquired additional statutory powers set out in the City of London Corporation (Open Spaces) Act 2018. This clarified and supplemented the existing management powers, including in relation to land management, letting of buildings, holding events, control of commercial activity and enforcement.

The Hampstead Heath Act of 1871 brought the Heath into public ownership and established the principles that it should be protected from encroachment or development, preserved as a natural open space and used for health, exercise and recreation and specifically, by the provisions to:

- for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
- at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
- not to sell, lease, grant or in any manner dispose of any part of the Heath; and
- to provide active and passive recreational facilities and information for members of the public.

### **Site Context**

Jack Straw's Castle is located to the west of North End Way, adjacent to the junction with Spaniards Way. The Grade II Listed Building (UID: 1113189) is a large and imposing three-storey above ground former Public House, now comprised of a number of residential units (eight flats, three townhouses and an additional studio flat in The Lodge) and commercial uses. It was designed by the classical architect Raymond Erith and built between 1962-64; some alterations were undertaken as part of its conversion, but the building largely resembles its original design. The building is noteworthy for its mock c18 coaching inn style, with timber-framed construction on brick plinth clad with painted weatherboarding. The current applications relate to a basement and ground floors of the existing building. The Site is closely bound by Hampstead Heath on all sides, sitting between West Heath and the main body of Hampstead Heath. It is around 200m north of the built up area of Hampstead. To the immediate west of the Site is a surface car park owned and operated by the City (Heath Brow Car Park).

### **Development Plan**

The adopted Development Plan is comprised of the following documents:

- Camden Local Plan (2017);
- Policies Map (2019);
- Adopted Site Allocations Plan (2013).

In addition to the above, we consider the following to be material considerations to the determination of this application:

- National Planning Policy Framework ('NPPF');
- Hampstead Neighbourhood Plan (2018);
- Hampstead Conservation Area Appraisal;
- London Plan (2016) and the draft New London Plan.

### **Key Issues**

The City is concerned that the proposed development is inappropriate in terms of the change of use to Class D1 (education), and considers the following to be key issues:

- Inappropriate use of the building for Class D1 (education), particularly given the established residential use of the upper floors;
- The environmental hazards that pose a risk to students in terms of highways and poor air quality;
- The lack of dedicated parking spaces associated with the proposed development and the impact on parking pressure, particularly on Heath Brow Car Park, arising in the increase in the overall number of people utilising the building; and
- The lack of dedicated outdoor space for children to play.

We consider the key issues set out above and throughout this letter in the context of the adopted Camden Local Plan, the Hampstead Neighbourhood Plan and the emerging London Plan, and any other material considerations, in line with the expectations of the National Planning Policy Framework. The following sections further discuss the key issues identified above.

### Principle of the Use

The proposed development involves changing the existing use of the building to a flexible use for education, leisure and office space. However, as we understand it, the primary purpose of the site is to be education.

The proposal is contrary to Hampstead Neighbourhood Plan Policy EC1, which supports sustainable development that helps to retain employment generating activities and encourages a range of shops and services. The Hampstead Neighbourhood Plan further supports the retention of business premises. The applicant of this proposal proposes that both the ground and basement levels would be used by Heathside School, retaining D2 and B1 use for future flexibility over a ten-year period. However, if the application was successful and planning permission granted, the applicant would be under no obligation to use the site for D2 or B1 uses, thus losing the office and leisure uses altogether, and contrary to Policy EC1.

Policy C2 – Community Facilities, of the Camden Local Plan states that in "*assessing proposals* [for community facilities], *the Council will also balance the impact proposals may have on residential amenity and transport infrastructure*". The location of this site is considered to be unsuitable for education use, being located beneath existing and established residential uses. The amenity of those residential units will be negatively impacted through noise and disturbance. Furthermore the site is in an inappropriate location in relation to transport infrastructure. This is discussed further in the following sections.

#### Environmental Hazards – Highways and Air Quality

The proposed development is considered to be located in an inappropriate location in terms of highways and transport. The location is regarded by Transport for London as having a moderate level of public transport accessibility (PTAL of 3). There are two bus stops within 200 metres of the site, and Hampstead Underground Station is located within 12 minutes walk. The site is therefore not in a highly accessible location in terms of public transport options, and therefore it is expected that students will end up using private motor vehicles, or walking along busy roads to arrive at school.

The Site is located adjacent to the roundabout junction between North End Way, Spaniards Road and North End Way/Heath Street. These roads are considered to be very busy, and will present an unsafe environment for children arriving at the school, particularly those walking and cycling. Plus, the additional traffic generated by the new school use would create further congestion and traffic issues in this location, particularly from parents and guardians dropping off or picking up students.

As part of the application a draft School Travel Plan (STP) was submitted. Based on our review of the STP it is noted that the proposed development is contrary to a number of policies including Policy C2 (as referenced previously) and Policy A1 of the Camden Local Plan, Policy TT1 of the Hampstead Neighbourhood Plan and Chapter 5 of the emerging London Plan.

Policy A1 – Managing the Impact of Development of the Camden Local Plan identifies that the Council will:

- a) *'seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b) *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;*
- c) *resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- d) *require mitigation measures where necessary.'*

The proposed development is contrary to Policy A1 as it fails to adequately assess and address transport impacts affecting the local community, local residents, future students, and the existing transport network.

Policy CC4 – Air Quality, identifies that the Council has a remit to guarantee the impact of development on air quality is mitigated to ensure that exposure to poor air quality is reduced. The Council must also take account of air quality when assessing development proposals. In addition, Policy TT1 of the Hampstead Neighbourhood Plan identifies that applications that *'can reasonably be expected to result in a significant number of additional motor vehicle journeys post-completion should...allow a robust assessment of the impact of the proposal on air quality and levels of pollution.'*

The City considers that without an Air Quality Assessment having been submitted with this application, the Council would be unable to appropriately assess and ensure the future students of the school would not be exposed to unacceptably high levels of air pollution.

Equally, the New London Plan addresses Social Infrastructure in Chapter 5. It specifically considers safety, both in terms of highways and air quality, and particularly in relation to children, stating *'All children should be able to travel to school by walking, cycling or public transport. Facilities should be located away from busy roads, with traffic calming at entrances, to benefit from reduced levels of air pollution, noise and road danger'* (Paragraph 5.3.10).



The proposed development is in direct conflict with these policies of the Camden Local Plan, the New London Plan, and the Hampstead Neighbourhood Plan. The site is not located away from busy roads, does not provide a safe environment to travel to school, would result in additional traffic congestion, and does not benefit from reduced levels of air pollution. The City notes that no air quality report was submitted with the application and that air quality is a serious concern for the personal health and safety of the future students of the school.

#### Parking

The proposed development does not have any dedicated car parking spaces, nor does it have any dedicated dropping off and picking up areas, and therefore there will be an increase in car parking pressure in the area. There is a small car park to the north of the site associated with the residential elements of the site. Additionally, the Heath Brow Car Park, a public pay and display car park owned and managed by the City of London Corporation, is located to the rear of the site. The car park is provided and maintained to facilitate members of the public resorting to Hampstead Heath, in line with the charitable objectives of Hampstead Heath. Furthermore, streets around the vicinity of the proposed development are within a Controlled Parking Zone, so there is no opportunity for on-street parking.

The STP identifies that parents will be encouraged not to drive to drop off and pick up their children, particularly as no dedicated parking areas and drop off/pick up areas will be available. The Applicant states that this will be achieved through marketing strategies directed at staff and parents. The STP identifies that the collection and dropping-off of pupils by car poses an inherent safety risk, as there is always a potential for conflict between vehicles and vulnerable road-users, such as pupils. It is also noted that a mini roundabout and pedestrian crossing are located along the site frontage, where it is prohibited for vehicles to stop. The STP further advises that in the event that parents do drive to the school they will be advised of local car park opportunities, such as Heath Brow car park, located to the rear of the site.

Notwithstanding the information provided in the STP in regards to their proposed marketing strategies to reduce car trips to the site, the City fully expects both staff and parents to utilise the car park regularly, particularly at school drop off and pick up times. The proposed development would therefore increase pressure on the Heath Brow car park, other nearby car parks, and the surrounding road system. The STP is insufficiently robust to assure that there will be no significant increase in motor vehicle journeys and the resulting additional parking and traffic congestion pressures are considered to be unacceptable.

#### Outdoor space for children to play

The proposed site location is within an established building with no private outdoor space. As such, The City assumes that students of the school will be required to utilise parts of Hampstead Heath during their mid-morning, lunch and afternoon breaks, for their outdoor space. This is considered unacceptable, as the school should provide its own outdoor space, rather than solely relying on Hampstead Heath for its recreational facilities. The City would be concerned in relation to the timetabling, frequency and number of students using specific areas of the Heath. This pattern of regular intensive use has previously created conflicts with other Heath users, often dissuading them from using the Heath at these locations. In addition, year-round intensive use can be detrimental to the ecology of the Heath.

The City of London Corporation, Open Spaces Learning Team provides a comprehensive programme of learning opportunities for local schools. These National Curriculum focused programmes are delivered in a fun, interactive and discovery-based way which encourages children to build their emotional connections to nature and understand their role in a changing environment. These programmes are carefully managed to protect and conserve the Heath, which may not be the case with the proposed educational change of use.

Policy A2 – Open Space, addresses the Council’s desire to protect, enhance and improve access to Camden’s parks, open spaces and other green infrastructure. Specifically, the Council must “*resist development which would be detrimental to the setting of designated open spaces.*” The City considers the proposed development would have a detrimental impact on the setting of the Heath, through the inappropriate use of the site for education purposes.

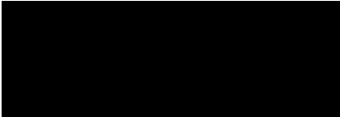
### **Conclusion**

At paragraph 6.43, the Local Plan states “*Hampstead Heath is the largest open space in the Borough providing nearly half of our total area of open space and many of our outdoor sporting facilities. The Council will work with partners, including the City of London (who own and manage the Heath), to ensure it is properly safeguarded.*” The City of London is not satisfied that the Heath is being appropriately safeguarded in this case.

The proposed development is for the change of use at the ground and basement levels of Jack Straws Castle from the existing health club (Use Class D2) to flexible uses for education (Use Class D1), leisure (Use Class D2) and offices (use Class B1). The City of London objects to the proposed educational development and considers it to be inappropriate in this location. This City has no objections to the proposed Class D2 (leisure) or Class B1 (office) use.

For the reasons outlined above we urge Camden to reject this proposed change of use as it is contrary to the Hampstead Neighbourhood Plan, the Local Plan and the emerging London Plan. Jack Straws Castle is considered to be an inappropriate location for a school, given the environmental hazards present and the impact it will have on the local environment.

Yours sincerely

A black rectangular box redacting the signature of the representative.

**Nexus Planning**

on behalf of City of London Corporation