

*Jones Lang LaSalle**18th August 2020*

Proof of Evidence

Section 78 Town and Country Planning Act 1990

London Borough of Camden Planning Application Nos: 2019/2375/P (Planning Permission) & 2019/2491/L (Listed Building Consent)

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In Respect of an Appeal under Section 78 of the Town & Country Planning Act 1990 for:

Change of use of the site from a police station (*sui generis*) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works at the Former Hampstead Police Station, 26 Rosslyn Hill, London, NW3 1PD.

In relation to:

Planning Issues

Prepared for

Department for Education

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Appendix One : Educational Case

Executive Summary

1.1 This proposal is to provide Abacus Belsize Primary School with a permanent school site. The school is an existing mixed 1FE (210 pupils) primary school that opened in September 2013 under the Free Schools Programme.

Key Planning Benefits of the Proposal

1.2 This proposal provides significant public benefits including:

- **Bringing a vacant public building back into beneficial community use.**

The former Police Station will be reinstated back into the public use and restored as a focal point for the local community.

- **Permanent location for an ‘Outstanding’ secular state school.**

This 1FE primary is included within LBC’s school places illustrating it is needed within the borough and provides the choice of a non-independent and secular school within walking distance of the Belsize catchment area.

- **Protecting and enhancing the Grade II Listed Building in the Hampstead Conservation Area.**

The school has been carefully designed to ensure that the areas of significant historical merit and character of the conservation area are preserved and enhanced whilst providing a modern fit for purpose school. The school is a reliable occupant to ensure that the maintenance of the building is upheld.

- **Car free development**

No car parking provision is proposed on the site. The Travel Plan promotes sustainable modes of transport, in addition to the school’s own car-free policy. The majority of students live within a 15 minute walk of the proposed site. The School Travel Plan Review Group will include a local resident representative who will participate in an annual review of the travel plan to ensure that it is being adhered to.

- **Community use of facilities out of hours**

Provision for community access and use of the school facilities (main hall, small hall) outside of core hours delivers a substantial public benefit.

- **Local business & enterprise space**

The Magistrates Court is surplus to the floorspace requirements for a 1FE school. Therefore, flexible office accommodation is proposed, providing a facility for Small to Medium Enterprises within the local area and creating a valuable co-working space.

Key Planning Matters

Heritage: The proposed development will preserve and enhance the character and appearance of the Hampstead Conservation Area by bringing the Grade II Listed Building, a key landmark within the surroundings, into a beneficial use through continued occupation. The design has been carefully developed to ensure that any alterations to the historic building fabric have been kept to a minimum and areas of historical significance have been preserved and enhanced such as the main facades, removal of the modern accretions to the rear of the building, the restoration of the ceiling to the magistrates court and removal of modern additions to the Stable block. The preservation and enhancement to the Grade II Listed Building and Hampstead Conservation Area

should be given significant weight in the balancing the development as a whole. The proposal accords with CLP Policy D2 Heritage and HNP DH2 Conservation areas and listed buildings.

Air Quality: The annual mean Air Quality Objective for NO₂ was predicted to be exceeded across the lower ground floor and ground floor level of the site. The building has included mitigation through mechanical ventilation. The annual mean Air Quality Objective for PM10 and PM2.5 was not exceeded at any location across the site. The levels of air pollution would not make the external environment unsuitable for outdoor play and other outdoor school activities. The Air Quality Assessment therefore establishes that air quality is not considered a constraint to granting planning permission for the proposed development, subject to the inclusion of mitigation. The proposal would not conflict with CLP Policy CC4 Air quality.

Noise: Noise levels at some neighbouring residences will have an adverse impact. A 4m acoustic barrier was offered as part of the mitigation measures. Noise effects will arise from the playground for a limited time period Monday - Friday during the school term. Although the noise levels experienced by the local residents as a result of the school's operation needs to be given weight, they would not be an unacceptable adverse impact. Further, such impact would not outweigh the public benefits of the proposals. The proposal would not conflict with CLP Policy A1 Managing the impact of development.

Transport: The proposed development will target 0% private car use amongst pupils, staff and business users through a range of physical, promotional and educational measures which will be included in the Travel Plan which would be secured by condition on planning permission and s106 legal agreement. The proposal accords with CLP Policy T1 Prioritising walking, cycling and public transport; HNP Policies TT1 (Traffic volumes and vehicle size) and HNP Policy T2 Parking and car-free development.

Amenity: The proposed development would result in a loss of amenity in terms of overlooking and privacy for adjoining neighbours compared to the current vacant site, (though that is not a point of comparison that should carry much weight). The level of harm, if any, is not considered to be unacceptable. Further, it is appropriate to balance this lesser degree of harm against the public benefits of the school for those attending it and the community as a whole; and the significant weight to the Government's commitment to state-funded schools. The proposal would not conflict with Policy A1 (Managing the impact of development).

The planning application and appeals submissions clearly establish and demonstrate that the overall public benefits of this proposal outweigh any harm that is caused as a consequence of the development.

The appeal accords with the Development Plan and must be granted planning permission without delay to deliver a permanent site for Abacus Belsize Primary School.

2. Introduction

2.1 This Proof of Evidence has been prepared by Tim Byrne, Director of Planning & Development at Jones Lang LaSalle (JLL) in respect of the appeal against the decision made by the London Borough of Camden (hereinafter referred to as 'LBC') to refuse planning permission¹ and listed building consent² for the redevelopment of the Former Hampstead Police Station, 26 Rosslyn Hill, London, NW3 1PD.

2.2 The description of development is the same for the applications for planning permission and listed building consent and comprise:

'Change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works at the Former Hampstead Police Station, 26 Rosslyn Hill, London, NW3 1PD'.

2.3 This Proof of Evidence is only concerned with planning matters.

Qualifications & Experience

2.4 My name is Timothy John Byrne. I hold a Bachelor of Regional and Town Planning (Honours) degree from the University of Queensland. I also hold a Bachelor of Business Management majoring in Real Estate and Development from the University of Queensland in Australia. I am a corporate member of the Royal Town Planning Institute and the Royal Institute of Chartered Surveyors.

2.5 I have over 14 years of experience in planning and development in the UK. I am a Director with Jones Lang LaSalle. I joined the company in 2008. I have responsibility for the firm's educational projects and advise the Department for Education throughout England. Prior to employment with Jones Lang LaSalle, I was a Development Planner with Hertfordshire County Council for six months. Prior to this, I worked for 2 years with Cairns City Council and 1 year with Department Local Government and Planning in Queensland Australia.

2.6 My work involves providing advice on planning and development matters. I have advised a wide range of clients, both public and private, on development and planning applications.

Background to Involvement

2.7 My involvement with the Former Hampstead Police Station dates to September 2017 when I was appointed by the Department for Education to provide planning advice on the revised 1FE proposals. Since appointment, I have been fully involved in design development and have also attended pre-application meetings and consultation events in support of the proposals. I have visited the site and the surroundings on numerous occasions.

¹ Application Reference: 2019/2375/P

² Application Reference: 2019/2491/L

Appointment & Declaration of Truth

- 2.8 I declare that the evidence set out in this proof for the Appeal is true and follows accepted best practice. The opinions expressed are my own and formed from professional judgements based on my knowledge and experience.

3. Background to the Application

Introduction

- 3.1 It is important that the context behind the application is understood.
- 3.2 Abacus Belsize Primary School was established by local residents and a group of pioneer parents to address the ‘black hole of Belsize’ in terms of primary school provision and to provide the choice of a state (non-faith) school. The catchment area was developed in conjunction with LBC’s Education team. The site is promoted as a free school and remains supported by the Government.
- 3.3 Abacus Belsize Primary School has been in existence since September 2013 and is funded by the Department for Education (DfE). It currently operates from temporary premises at Jubilee Waterside Centre, 105 Camley St, London N1C 4PF. This location is 2.7 miles outside of the school’s catchment area, and currently the pupils have to be bussed from two collection points. These collection locations, one on Haverstock Hill opposite the junction with Parkhill Road (NW3 4RR), and another close to Swiss Cottage Leisure Centre (NW3 3NF).
- 3.4 The temporary site at Jubilee Waterside Centre is leased from LBC. The majority of the children live within the Belsize Park catchment area and are currently transported by private mini-bus to their temporary site each day. This is a costly and time consuming process for parents and staff. The bus does not offer a long term solution and the majority of parents want to be able to walk to school with 96% of all pupils currently walking or scooting to the bus collection points. There is a critical need for the school to move closer to its pupils and the catchment area.
- 3.5 The Jubilee Waterside Centre building was originally constructed as an outdoor education and community centre and whilst it has readily been adapted for a primary school does not provide suitable premises for the long term.

Government Policy on Choice and Diversity in State Education

- 3.6 The Secretary of State for Communities and Local Government and the Secretary of State for Education published a policy statement in August 2011 (CD04/03) which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It states: *“The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government’s flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children’s lives by helping them to reach their full potential.*

It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner

consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.’*

Alternative Site Search

- 3.7 This is not the kind of case where the existence of an alternative site would be a relevant material consideration weighing against the proposal. It is however relevant that the benefits of relocating the school to a site near the catchment are highly unlikely to be realised if the appeal is dismissed because there are no suitable, viable and available alternative sites.
- 3.8 The site search commenced following Ministerial approval of Abacus Belsize Primary School in July 2012.
- 3.9 A total of 76 sites were considered between 2012 and 2018 as part of the site search process for Abacus Belsize Primary School. This included sites considered solely for temporary accommodation, permanent accommodation and/ or both. A review of all sites the DfE considered as part of the site search process is set out in an Alternative Site Search Note included as Appendix 1 Planning Statement (JLL, May 2019).
- 3.10 DfE held a virtual meeting with members of the HCRD on 31st March 2020 to discuss three sites which the Rule 6 Party, HCRD had identified as potential alternative sites for the school. Two of the sites were previously considered by DfE as part of the site search exercises undertaken between 2012 and 2019. Each site is considered in turn.
- 3.11 The Hoo, Lyndhurst Gardens, Hampstead, London NW3 5NU (previously considered in November 2012 and November 2018, JLL Alternative Site Search Note, site reference 60) was discounted because the building is not large enough to accommodate the school without substantial remodelling and new build extension. The required scale of works and development is unlikely to be achievable given the building’s Grade II listed status. The site remains unavailable having been sold in 2019 to a residential developer.
- 3.12 Gloucester House, 33 Daleham Gardens, London NW3 5BU (previously considered in November 2012, JLL Alternative Site Search Note, site reference 67) was discounted because of difficulties in converting the existing building into a suitable education space and the need for substantial additional accommodation

which would be constrained by existing mature trees on the site and would leave insufficient area for play space. The site remains unavailable.

- 3.13 Carlton Primary School, 96 Grafton Road, London NW5 4AX is an existing school site which is located outside and further from the catchment area for Abacus Belsize Primary School than the appeal site. London Borough of Camden announced in late 2019 that they were considering options for the school, including closure. No decision has been made on the future of the school or as to alternative uses in the event of closure and the site remains unavailable.
- 3.14 The extensive site search exercise over a long period of time has clearly demonstrated that there are no other suitable and available sites within the catchment area to accommodate Abacus Belsize Primary School.

Previous 2FE Application(2016)

- 3.15 This application follows the refusal of planning permission (Ref:2016/1590/P) on 9th August 2016 for a 2FE 420 pupils school and Listed Building Consent (Ref:2016/2042/L). The description of development sought the “change of use from police station (sui generis) to school (Use Class D1) including the partial demolition and extension to the rear of the Grade II Listed Building and associated works”.
- 3.16 The substantive reasons for refusal of the previous applications for the 2FE school were considered to be:
- i) The scale, bulk, height and detailed design of the proposed rear extension and its harm on the listed building and conservation area.
 - ii) The additional trip generation and traffic congestion.
 - iii) Impact on amenity of neighbouring residents – scale and intensity of use.
 - iv) Failure to demonstrate no impact in terms of air quality.
 - v) Failure to demonstrate no impact on trees
 - vi) Further amenity reason – noise.
- 3.17 The current appeal features a school with half the number of pupils of the refused application being a 1FE (210 pupil) school.
- 3.18 The Appellant sought to address the issues raised in the reasons for refusal in the original 2FE application. As established in the Statement of Common ground the appellant worked for 17 months in a collaborative manner with Council officers, engaging in considerable discussion and consultation in the process of redesigning the scheme. As a result, the current proposal which is the subject of this Appeal is a significant reduction in pupil numbers and less alterations to the Listed building.
- 3.19 Statement of Common Ground Table 2.1 sets out a Summary of the pre-application meetings with LB Camden. Officers were supportive all the proposed development throughout the pre-application process.

Consideration of the Planning Application at Committee

- 3.20 The planning application for the proposed development was considered by the Council's Planning Committee ("the Committee") on 14th November 2019.
- 3.21 Paragraph 20.6 of the Committee Report (CD 02-01) "On the balance of all material planning considerations the proposals are considered acceptable and that the applicant has resolved the reasons for refusal of the previous application, with a much reduced scheme".
- 3.22 The applications for planning permission and listed building consent were recommended for approval by Officers subject to conditions and a Section 106 legal agreement but was refused by Members at the Planning Committee.
- 3.23 Planning permission (LPA Ref: 2019/2375/P) was refused by notice dated 23 December 2019. The LBC stated the following reasons for refusal:
1. *The proposed development by virtue of its use, location and catchment area is likely to result in an increase in trips by private motor vehicles, increased traffic congestion and exacerbating air pollution and would fail to sufficiently prioritise sustainable modes of transport, contrary to policies T1 (Prioritising, walking, cycling and public transport) and C2 (Community facilities) of the Camden Local Plan 2017 and policies TT1 (Traffic volumes and vehicle size) and TT2 (Pedestrian environment) of the Hampstead Neighbourhood Plan.*
 2. *The proposed development, by virtue of the proximity of its outdoor amenity space to neighbouring residential properties would result in an unacceptable increase in noise disturbance to the detriment of the amenity of neighbouring residents contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.*
 3. *The proposed development by virtue of its location on a main road with poor air quality, which could harm the health of pupils, would not be an appropriate location for a school, contrary to policies A1 (Managing the impact of development) and CC4 (Air quality) of the Camden Local Plan 2017 and policy S3 of the emerging London Plan December 2017.*
- 3.24 Listed building consent (LPA Ref: 2019/2491/L) was refused by notice dated 19 December 2019. The LBC stated the following reasons for refusal:
1. *The proposed internal works would result in the loss of plan form and original fabric including the fixtures and fittings of the magistrates court which would fail to preserve the special architectural and historic interest of the host building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan.*
- 3.25 In the Statement of Common Ground in was agreed between the parties that:

- Paragraph 5.23 “It is common ground between the Appellant and LBC that the site has been vacant since 2013 and the historic use was a police station”.
- Paragraph 5.24 “It would not be appropriate to use a vacant building as a nil baseline for measuring transport impact”.

3.26 The increase in trips by private motor vehicles and increased traffic congestion was therefore seen as an increase over and above the historic use as a police station.

3.27 Mr Fergusons Proof of Evidence sets out at paragraph 6.28 “We received written confirmation from LBC’s Highways Officer at the time (email from LBC Officer Tatai Dewes dated 23rd August 2019) to undertake the transport survey at Kentish Town Police Station, the purpose of which was to establish an indicative baseline figure for trip generation from the vacant Hampstead Police Station. It was LBC that requested that we attempt to quantify the trips associated with the site’s former use by carrying out a survey at a similar Police Station. Following the submission of the data from Kentish Town Police Station to LBC’s Highways Officer we received a further email confirming that the Council was content with the data and that we had sufficiently addressed concerns relating to Policy C2”.

3.28 On 28th July 2020 LBC Planning Officer John Sheehy emailed proposing a new “traffic survey be carried out of the West Hampstead Police Station ahead of the upcoming Inquiry”. This was again attempting to quantify the baseline level of traffic movements that might be applicable to the Former Hampstead Police Station use.

3.29 On 14th August 2020 Camden Legal wrote stating that they now deem the site has a nil planning use. Also seeking to establish the use had been abandoned as there is no suggestion that there is any prospect of the police buying it back again and reopening Hampstead Police Station. The Department for Education have been in correspondence since March 2018 with local organisations and the Camden Neighbourhood Policing Teams. There is an interest in the Safer Neighbourhood Teams for Frognal and Fitzjohns, Hampstead Town, Belsize and Gospel Oak being based in the appeal site or adjoining Police House. There is continued interest in the Police using the site in the context of modern policing requirements.

4. Planning Policy – Reasons for Refusal

- 4.1 In this section I present the planning policy assessment of the proposed development against the policies contained within the reasons for refusal. Under Section 38 (6) of the Planning & Compulsory Purchase Act 2004, if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 Under Section 38 (3) of 2004 Act, the Development Plan consists of:
- London Plan Further Alterations (adopted March 2016);
 - London Borough of Camden Local Plan (Local Plan) (adopted July 2017); and
 - Hampstead Neighbourhood Plan (Adopted October 2018).
- 4.3 Draft London Plan – Intend to Publish has not been formally adopted. This is a material consideration but does not form part of the statutory Development Plan at this time and therefore carries limited weight.
- 4.4 JLL had a number of meetings on 15, 16 and 17th June with Camden in order to improve our understanding of the reasons for refusal and seek to gain common ground. As set out in paragraph 5.23 of the SoCG It is common ground between the Appellant and LBC that the site has been vacant since 2013 and the historic use was a police station. Further in paragraph 5.24 “It would not be appropriate to use a vacant building as a nil baseline for measuring transport impact”. The appellant had engaged in all reasonable measures to attempted to quantify the baseline traffic movements for the site with Camden.
- 4.5 The Planning Committee Report (CD02/05) makes it clear that large number of areas have been resolved in the proposed development to the satisfaction of Camden’s Officers. These included:
- Land Use and Change of Use to education and B1 office space;
 - Playground;
 - Accessibility;
 - Excavation of the rear playground levels;
 - Energy and Sustainability
 - Nature conservation and biodiversity;
 - Trees; and
 - Fire safety.
- 4.6 As established in the Statement of Common Ground the following development plan policies for determining the appeal are those recited in the reasons for refusal as below:

| London Plan (2016) | Draft London Plan - Intend to Publish (2019) | LBC Local Plan (2017) | Hampstead Neighbourhood Plan (2018) |
|---------------------------|---|---|--|
| | Policy S3 (Education and childcare facilities) | Policy T1 (Prioritising, walking, cycling and public transport) | Policy TT1 (Traffic volumes and vehicle size) |
| | | Policy C2 (Community facilities) | Policy TT2 (Pedestrian environment) |
| | | Policy A1 (Managing the impact of development) | Policy DH2 (Conservation areas and listed buildings) |
| | | Policy CC4 (Air quality) | |
| | | Policy D2 (Heritage) | |

4.7 In the Pre-Inquiry Case Conference held on 14th July 2020 the Inspector’s provisional assessment of the main issues was as follows:

Appeal Ref: 3248002

- 1) *Whether the proposed development would be sustainable development in terms of transport, having regard to the effect on trips by private motor vehicles, traffic congestion and air pollution;*
- 2) *The effect on the living conditions of local occupiers in terms of noise; and*
- 3) *Whether the location would be appropriate for a school, having regard to air quality*

Appeal Ref: 3248003

- 1) *The effect of the proposed development on the architectural quality and historic interest of the former police station, which is listed Grade II*

Education

4.8 The proposed development for the provision of community uses, especially educational uses is strongly supported by the NPPF, London Plan Policies 3.16 and 3.18 and CLP Policy C2.

4.9 This general policy that is referred to in Reason for Refusal 1.

CLP Policy C2 (Community facilities)

The Council will work with its partners to ensure that community facilities and services are developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery of services.

The Council will:

a. seek planning obligations to secure new and improved community facilities and services to mitigate the impact of developments. The Council may also fund improvements to community facilities using receipts from the Community Infrastructure Levy where this is identified on the Council's CIL funding list;

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;

d. 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;

e. support the investment plans of educational, health, scientific and research bodies to expand and enhance their operations, taking into account the social and economic benefits they generate for Camden, London and the UK. In assessing proposals, the Council will also balance the impact proposals may have on residential amenity and transport infrastructure;

f. seek the inclusion of measures which address the needs of community groups and foster community integration;

g. ensure existing community facilities are retained recognising their benefit to the community, including protected groups, unless one of the following tests is met:

i. a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users;

ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing;

h. take into account listing or nomination of 'Assets of Community Value' as a material planning consideration and encourage communities to nominate Assets of Community Value.

- 4.10 The Former Hampstead Police Station building has been vacant since 2013. The building was deemed surplus to requirements and no longer viable for the operations of the Metropolitan Police. In accordance with Criteria g) ii) the existing premises are no longer required or viable in their existing use. The site was purchased on 5 June 2014 by the Department for Education. The school clearly offers an alternative community use capable of meeting the needs of the local area. The proposed appeal is a direct response to a requirement for 'Outstanding' secular state school for local residents of Belsize Park.
- 4.11 The former Police Station will be reinstated back into the public and community use and restored as a focal point for the local community. The proposed development will result in the sensitive modernisation of Listed Building. It will offers a new and improved community facility that meets the changing needs of the community.
- 4.12 In accordance with Criteria c) the school is intended to be accessed only by walking, cycling and sustainable modes of travel.
- 4.13 Provision for community access and use of the school facilities (main hall, small hall) outside of core hours delivers a substantial public benefit. The school facilities (main hall, small hall, and studio) will be available for community use hire outside of school hours. The school proposes for the indoor facilities to be open for use until 10pm Monday to Friday, 6pm on Saturdays and 5pm on Sunday and bank holidays. The exact details are to be agreed in the Community Use Agreement which is proposed to be a S106 planning obligation.
- 4.14 Community use of the building will be secured to meet the needs of community groups and foster community integration. The s106 also include a provision to appoint a local resident representative as a Community Governor.
- 4.15 The proposed development would be wholly in line with CLP Policy C2 (Community facilities) which supports the investment plans of educational bodies to expand and enhance their operations, taking into account the social and economic benefits they generate for Camden.

Draft London Plan Intend to Publish Policy S3 (Education and childcare facilities)

- 4.16 Draft London Plan – Intend to Publish has not been formally adopted. This is a material consideration but does not form part of the statutory Development Plan at this time and therefore carries limited weight.

A To ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice, boroughs should:

1) prepare Development Plans that are informed by a needs assessment of education and childcare facility needs. Needs should be assessed locally and sub-regionally, addressing cross-boundary issues. Needs assessments should include an audit of existing facilities.

2) identify sites for future provision through the Development Plan process, particularly in areas with significant planned growth or need for school places (including Special Educational Needs and Disability places)

3) ensure that development proposals for housing and commercial facilities incorporate suitable childcare provision and encourage nursery provision within primary schools, where there is a need.

B Development proposals for education and childcare facilities should:

1) locate facilities in areas of identified need

2) locate facilities in accessible locations, with good public transport accessibility and access by walking and cycling

3) locate entrances and playgrounds away from busy roads, with traffic calming at entrances

4) link to existing footpath and cycle networks to create healthy routes to schools, and other education and childcare facilities, to enable all children to travel actively to school (walk, cycle or travel by public transport)

5) maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures

6) encourage the shared use of services between schools, colleges, universities, sports providers, and community facilities, and between early years and health and social care providers

7) ensure that new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach

8) ensure that facilities incorporate suitable, accessible outdoor space

9) locate facilities next to parks or green spaces, where possible

C Development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. Any proposed loss of sport or recreation land (including playing fields) should be considered against the requirements of Part C of Policy S5 Sports and Recreation.

4.17 Section B of the policy sets out a range criteria that development proposals for education facilities should achieve. The first of these is to locate facilities in areas of identified need.

4.18 The proposed development has been brought forward as a direct response to the need for a Free School in this location. The appeal site is outside of the school catchment area but it is 250m from the boundary. The appeal site has sought to locate the facility in close proximity to the area of identified need for the Free School.

- 4.19 The criteria 2) is to locate facilities in accessible locations. There are a number of bus stops located within walking distance from the site. There are five bus routes (C11, 46,168, 24 and 268) that provide ease of access to the proposed school location from throughout the catchment area. The Travel Plan aims to promote the use of sustainable modes of transport through a range of soft measures, as well as highlighting the benefits of travelling by modes other than the private car.
- 4.20 A walking school bus is proposed to be implemented for travel to the proposed site. The school is committed to implementing a walking bus as part of its School Travel Plan at the new site, and on Saturday 11th May 2019 around 30 children and around 12 parents actively took part in a trial run.
- 4.21 The proposed route is from the centre of the school's catchment area and is approximately 1km in length with the final 200m on Rosslyn Hill.
- 4.22 The school will actively promote the use of alternative transport modes through its Travel Plan (Paul Mew Associates, May 2019).
- 4.23 In terms of Criteria 3) to locate entrances and playgrounds away from busy roads the design has provided an access on Downshire Hill in order to locate entrances and playgrounds away from the busier Rosslyn Hill road.
- 4.24 In terms of Criteria 4) The proposed development has sought to maximise the extended or multiple use of the educational facilities for community or recreational use through appropriate design measures.
- 4.25 In terms of Criteria 5) The proposed development has adopted an inclusive design approach and is inclusive for a wide range of users with an accessible ramp provided on Rosslyn Hill and a lift within the main building and Stable block.
- 4.26 In terms of Criteria 6) Abacus Belsize Primary School is part of the Camden family of schools as well as being supported by the Anthem trust. The school encourages the shared use of services between schools. The Business and Enterprise Zone could potentially be used by the Trust to offer teacher training thus supporting the upskilling of staff.
- 4.27 In terms of Criteria 7) the appeal site is located near green space in the form of Hampstead Heath. It is proposed that classes will utilise Hampstead Heath for outdoor learning. Each half term, the whole school currently enjoys a 'Heath Day' where they spend the day developing outdoor skills on the Heath. The Heath is located at the end of Downshire Hill some 400 metres from the proposed site and is approximately a 5 minute walk for children.
- 4.28 The proposed development is in accordance with the criteria for the location of educational facilities as set out in Policy S3 of the Intend to Publish London Plan.

Transport

- 4.29 This policy is included in Reason for Refusal 1 and is addressed in the Proof of Evidence prepared by Mr Ferguson. Full justification of the scheme in terms of transport and highways considerations is presented in the Transport Assessment (Paul Mew Associates, April 2019), Draft Green Travel Plan (Paul Mew Associates, May 2019) and Servicing and Refuse Strategy/Management Plan including swept path analysis (Paul Mew Associates, April 2019), submitted in support of the application/appeal and the Highway Technical Notes (Paul Mew Associates, September 2019) and the Walking Bus Technical Note (Paul Mew Associates, September 2019).

CLP Policy T1 (Prioritising, walking, cycling and public transport)

The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment, we will seek to ensure that developments:

- a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c. are easy and safe to walk through ('permeable');*
- d. are adequately lit;*
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*
- f. contribute towards bridges and water crossings where appropriate.*

Cycling

In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development:

- g. provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways and;*
- h. provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport. Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development;*
- i. makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers;*
- j. is easy and safe to cycle through ('permeable'); and*

k. contribute towards bridges and water crossings suitable for cycle use where appropriate.

Public Transport

In order to safeguard and promote the provision of public transport in the borough we will seek to ensure that development contributes towards improvements to bus network infrastructure including access to bus stops, shelters, passenger seating, waiting areas, signage and timetable information.

Contributions will be sought where the demand for bus services generated by the development is likely to exceed existing capacity. Contributions may also be sought towards the improvement of other forms of public transport in major developments where appropriate.

Where appropriate, development will also be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

Paragraph 4.33 of the Camden Local Plan is also important to consider.

4.33 The scale and intensity of use of some community facilities, such as schools, colleges and higher education facilities can lead to adverse impacts on residential amenity. This is principally related to the movement of large numbers of people at certain times of day, impacts such as noise and air pollution and the pressure on the transport system. 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. Policy A1 Managing the impact of development refers to how the Council will manage the impact of traffic movements.

4.30 Mr Ferguson establishes at paragraph 0.3 “The proposed development will generate far less vehicle traffic than any reasonable baseline comparison for the appeal site’s former use as a police station and magistrate’s court”.

4.31 It must also be stressed that school related trips associated with Abacus Belsize Primary School by all modes of travel are already present on the highway network within and around the catchment area. They are not new trips on the network but existing trips by existing residents and their children.

4.32 The scale and intensity of use of the school has been significantly reduced in the appeal with the reduction in the number of pupils to 210 (1FE) compared to the original application for 420 pupils (2FE).

4.33 The Planning Committee report (CD02/05) in the Executive Summary makes it clear that:

“Given that school numbers would be capped at half the level of the refused scheme (a condition to control this is recommended), the proposals would have the potential to generate much fewer parent drop-off and pick up trips than the previously refused scheme. Transport officers consider that taking account of this and that the school could put in sufficient measures to discourage driving that the proposals are considered acceptable in transport terms”.

- 4.34 Abacus Belsize Primary School is a local school for local residents. It places a priority on sustainable modes of transport in particular walking and cycling to the appeal site. The school's ethos of walking, scooting and cycling, has been built into communication with parents from the outset. The majority of pupils live within a 15 minutes walk of the appeal site. This is clearly demonstrated in the Transport Assessment (Paul Mew Associates, April 2019) at Figure 7. 'School Intake 2017 & 2018; Walk Time Map from the Site Through the Catchment Area'.
- 4.35 The existing high quality footpaths and pavements are wide enough for the number of people expected to use them and there is ample space in front of the building on Rosslyn Hill for pick-up and drop-off.
- 4.36 The relocation of the school closer to the catchment area would deliver significant sustainability and climate change benefits by providing children the opportunity to walk to school. This would also lead to an overall improvement in reducing the number of vehicle trips by removing the need for the provision of mini-buses to transport pupils to the Jubilee Waterside Centre.
- 4.37 The school currently participates in the Transport for London's (TfL) STARS (Sustainable Travel: Active, Responsible, Safe) scheme. As of September 2019 the Travel Plan has attained a Silver Accreditation. The latest travel mode survey results from September 2019 would be sufficient for the school to achieve a Gold accreditation for its School Travel Plan and it would therefore be among the top 10% of schools in London in terms of sustainable travel despite the challenges of currently being located so far from its catchment.
- 4.38 A walking school bus is proposed to be implemented for travel to the proposed site. The school is committed to implementing a walking bus as part of its School Travel Plan at the new site, and on Saturday 11th May 2019 around 30 children and around 12 parents actively took part in a trial run.
- 4.39 The proposed route is from the centre of the school's catchment area and is approximately 1km in length with the final 200m on Rosslyn Hill.
- 4.40 The school will actively promote the use of alternative transport modes through its Travel Plan (Paul Mew Associates, May 2019).
- 4.41 According to the Government's 'Gear Change: A bold vision for cycling and walking' published on 27th July 2020 "*cycling and walking measures are no longer seen as an afterthought but have moved to the very heart of considerations for all transport policy and planning, at all levels of leadership*". Walking and cycling to school will be encouraged in the policy to deliver a step change in the role cycling and walking can play in our transport system.
- 4.42 A total of 28 secure and sheltered cycle parking spaces will be provided on-site comprising of separate stores for staff and for children as well as an additional secure and covered store for 18 scooters taking the overall cycle/scooter parking provision to 46 spaces. This exceeds the minimum policy expectations. A Sheffield stand will be provided on the pavement on Rosslyn Hill immediately adjacent to the main entrance to the building which will serve as the requirement for two short-stay spaces. A total of four secure and sheltered cycle parking spaces will be provided within the entrance to the business/enterprise space.

- 4.43 The proposed development complies with CLP Policy T1 (Prioritising, walking, cycling and public transport). The appeal site and school promotes walking in the borough, provides for accessible, secure cycle parking facilities and is accessible from a range of buses.
- 4.44 As set out in Mr Ferguson’s proof at paragraph 0.10 “Owing to the established nature of Abacus Belsize Primary School and its defined catchment area as well as a firm commitment to its School Travel Plan this in itself satisfies Policy C2 and paragraph 4.33 of the Council’s Local Plan as there would be no increase in vehicle traffic movements or an exacerbation of air pollution in Hampstead or Belsize Park arising over the existing situation, which involves a limited numbers of drop-offs and pick-ups at the bus-stops within the Belsize area followed by the bus-trips themselves (which would of course be eliminated”.
- 4.45 On 14th August 2020 Camden Legal wrote stating “The Council has agreed that it would not be appropriate to use a vacant building in these circumstances as the baseline for measuring transport impact because it is clearly desirable for a suitable new use to be identified for this very significant historic building, but that does not make Kentish Town or West Hampstead Police Stations definitive comparators”.
- 4.46 The proposed development would be sustainable development in terms of transport. There would be a limited number of vehicle trips arising from the school that would not have an impact on the highway network.

HNP Policy TT1 (Traffic volumes and vehicle size)

Due to the critical need to improve air quality and tackle congestion within the Plan Area:

1. Planning applications which can reasonably be expected to result in a significant number of additional motor vehicle journeys post-completion should provide the following information at an appropriate level of detail to allow a robust assessment of the impact of the proposal on air quality and levels of pollution:

a. A Transport Assessment (or Statement);

b. A full or outline Delivery and Servicing Management Plan (DSMP);

c. An Air Quality Assessment;

which should together demonstrate (if necessary through mitigation measures) that the impact of any such vehicle journeys will be offset so that approval will not lead to an overall decrease in air quality in the Plan Area.

2. Where a Travel Plan is approved in connection with an application it should include provision for an annual monitoring report to be submitted to Camden Council for the first five years following construction.

3. Planning applications which can reasonably be expected to result in significant additional motor vehicle journeys in the plan area during construction should provide a full or outline Construction Management Plan at an appropriate level of detail to allow a robust assessment of the impact of the proposal on air quality and levels of pollution in addition to any noise, vibration or obstruction of the highway in the Plan area. The CMP should take into account the cumulative impact of development on the Plan area and demonstrate that the impact of any such vehicle journeys will be appropriately mitigated to minimise their impact on air quality and levels of pollution.

4. A DSMP or CMP should be implemented through vehicles of no more than 7.5 tonnes unladen weight within the Plan Area, other than in circumstances where this is not feasible, in which case such exceptions must be documented within the relevant plan.

5. Any proposed mitigation measures necessary to comply with this Policy TT1 will be controlled through condition or Section 106 Agreement.

4.47 This policy is included in Reason for Refusal 1 and is addressed in the Proof of Evidence prepared by Mr Ferguson. As required by the policy the planning application was supported by:

- Transport Assessment (Paul Mew Associates, April 2019);
- Draft Green Travel Plan (Paul Mew Associates, May 2019);
- Servicing and Refuse Strategy/Management Plan (Paul Mew Associates, May 2019);
- Air Quality Assessment (REC, May 2019).

4.48 While it is no requirement of policy to target zero car-use (indeed policy TT1 contemplates that developments generating significant additional motor vehicle journeys may be permitted), the School Travel Plan will target no private car use amongst pupils and staff at the appeal site through a range of physical and promotional/educational measures that are outlined in the School's Travel Plan and which would be secured through S106 legal agreement.

4.49 A number of planning obligations for transport would to be secured through a S106 agreement.

4.50 The proposed development and planning application and appeal fully address the requirements of HNP Policy TT1 (Traffic volumes and vehicle size).

Policy TT2 (Pedestrian environment)

In the context of the Plan Area, public realm improvement works supported by development should be consistent with the following objectives to:

- 1. Promote the permeability of roads, alleys and courtyards (i.e. they are easy to walk or cycle through).*
- 2. Protect or complement the historic character and charm of the area's streets, pavements and sightlines.*
- 3. Support the borough-wide 20mph speed limit.*
- 4. Avoid unnecessary street furniture, signage and segregation.*
- 5. Provide increased numbers of crossing points, where necessary and viable, which are of good design, are pleasant for pedestrians to use and promote safety by encouraging road users to regard the street as a shared space and hence be vigilant of other road users.*
- 6. Avoid unnecessary barriers, width restrictions, build-outs, islands and management measures, which detract from the area's historic character or are likely to worsen rather than reduce street congestion.*

7. Provide opportunities, where needed and viable, for on-street cycle parking and, where appropriate street cycle rental.

- 4.51 In accordance with HNPTT2 (Pedestrian environment) the development will provide 4 additional on-street cycle parking space. A contribution of £51,478.65 has been allowed in the s106 agreement for Pedestrian, Cycling and Environmental (PCE) improvements.
- 4.52 In summary, the first reason for refusal is not justified as the school seeks to prioritise sustainable modes of transport. The school will aim to generate zero vehicle trips during the 'school run' from the outset of first occupation at the appeal site. This will be set out in the School's Travel Plan which will be secured as a S106 Agreement. However taking the baseline figure of 4% of children dropped-off by car to the in-catchment bus pick-up points in the September 2019 survey as the worst case scenario, the proposal may generate up to 32 total vehicle trips a day during term time (i.e. 4% of 210 children equals 8 dropped-off by car which would result in a vehicle arrival and a vehicle departure in both the morning and afternoon peak periods). The school will host a breakfast club and after-school activities therefore these trips will be well spread out in the morning and afternoon peak periods. The traffic generated by the proposal will not be substantial nor justify refusal of planning permission.

Noise

4.53 This policy is included in Reason for Refusal 2 and is addressed in the Proof of Evidence prepared by Mr Jarman.

CLP Policy A1 (Managing the impact of development)

The Council will seek to protect the quality of life of occupiers and neighbours.

We will grant permission for development unless this causes unacceptable harm to amenity.

We 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 factors we will consider include:

- e. visual privacy, outlook;*
- f. sunlight, daylight and overshadowing;*
- g. artificial lighting levels;*
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;*
- i. impacts of the construction phase, including the use of Construction Management Plans;*
- j. noise and vibration levels;*
- k. odour, fumes and dust;*
- l. microclimate;*
- m. contaminated land; and*
- n. impact upon water and wastewater infrastructure.*

4.54 The residential dwellings most likely to be affected by noise are situated immediately adjacent to the rear playground at 50, 51, 52 and 52a Downshire Hill. The parties at 51 and 52 Downshire Hill have made representations to the planning application and appeal on the impact of the noise on their properties. The number of dwellings directly affected is small.

- 4.55 The impact of noise on residents arises not from any internal activities within the building or Stable Block but from use of the car park to the rear of the building for external school activities. These range from informal outdoor activities during break and lunch periods as well as organised sports.
- 4.56 The school would only operate Mondays to Fridays with playground use for a maximum of 2 hours per day. Overall, the external activity associated with the school would take place some 183 days per year, approximately 50% of the days in the year, those being during the school day. The weekend playground use would be limited to 4 events a year such as the summer fair or winter festival.
- 4.57 There would be no use of the playground at the appeal site at weekends, holidays and evenings. Therefore there is unlikely to be any noise impacts during this time.
- 4.58 In comparison to the current vacant car-park; the appeal scheme is likely to have a negative impact on neighbouring properties by generating more noise. However the concerns of the residents need to be considered in the context of other possible uses for the building. A fully occupied police station and magistrates court would bring the movement of vehicles entering and leaving the premises 7 days per week; 24 hours a day on 365 days per year. This would lead to a significant perceptible change in the noise levels on this part of the appeal site.
- 4.59 Although noise of children playing will be experienced by the local residents during the limited times and days as a result of the school's operation; the impact of such sound would not lead to unacceptable harm. Further, any such impact must be weighed in the planning balance against the considerable public benefits of the proposal as summarised in the Executive Summary and in section 5. The noise impact would not be of such severity that they would significantly and demonstrably outweigh the benefits when assessed against the Development Plan policies and the NPPF taken as a whole.
- 4.60 In my opinion; the noise effects arising from the playground for limited times during weekdays during the school terms will result in noise disturbance, but not to a level that causes unacceptable harm.
- 4.61 While accepting that it would be impossible to predict with any degree of accuracy such speculative noise levels from the existing historic use as a police station; overall the school would afford a degree of betterment due to the limited timing of the noise effects during the working day.

Air Quality

Policy CC4 (Air quality)

The Council will ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough.

The Council will take into account the impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality.

Consideration must be taken to the actions identified in the Council's Air Quality Action Plan.

Air Quality Assessments (AQAs) are required where development is likely to expose residents to high levels of air pollution. Where the AQA shows that a development would cause harm to air quality, the Council will not grant planning permission unless measures are adopted to mitigate the impact.

Similarly, developments that introduce sensitive receptors (i.e. housing, schools) in locations of poor air quality will not be acceptable unless designed to mitigate the impact.

Development that involves significant demolition, construction or earthworks will also be required to assess the risk of dust and emissions impacts in an AQA and include appropriate mitigation measures to be secured in a Construction Management Plan.

- 4.62 This policy is included in Reason for Refusal 3 and is addressed in the Proof of Evidence prepared by Mr Kearney.
- 4.63 The application was supported by an Air Quality Assessment prepared by REC (May 2019). REC also undertook additional monitoring of nitrogen dioxide concentrations at several locations in the vicinity of the proposed development site over a total period of three months in order to support the air quality assessment report and verify baseline conditions. The findings of the monitoring are presented within Air Quality Monitoring Report (June 2019).
- 4.64 The policy sets out developments that introduce sensitive receptors (i.e. housing, schools) in locations of poor air quality will not be acceptable unless designed to mitigate the impact. The building has mitigated against the air quality of Rosslyn Hill with the provision of full mechanical ventilation.
- 4.65 Paragraph 12.5 on the Planning Committee Report sets out:
“An Air Quality Officer has assessed the proposals and is satisfied that there would be sufficient air quality for students and that there would be no material air quality impact. The student entrance to the school (off Downshire Hill) and the playground (at the back of the building) are away from the busy road and therefore in line with the emerging London Plan”.
- 4.66 Paragraph 12.6 on the Planning Committee Report clearly establishes:

“Given the above, officers are satisfied that the proposals will provide adequate air quality for the school and will not impact on the surrounding area”.

- 4.67 The Air Quality Assessment establishes that air quality is not considered a constraint to planning permission for the proposed development. The levels of air pollution would not make the external environment unsuitable for outdoor play and other outdoor school activities; and that the proposal would not conflict with Policy CC4 regarding air pollution once the recommended mitigation measures have been implemented.
- 4.68 The appeal site would offer some improvement to air quality by the relocation the school closer to the catchment area and allowing pupils to walk to school. This would remove the need for mini buses travelling to Jubilee Waterside Centre thus reducing vehicular traffic on the wider Camden network. Further, the pupils would no longer have to experience the longer commute into central London.

Heritage

CLP Policy D2 (Heritage)

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings.

The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.*

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

- 4.69 The reason for refusal for the Listed building Consent refers to the CLP Policy. The Proof of evidence prepared by Mr Crisp considers the impact of the application proposals and the significance of the listed building and in particular, compliance with the policy D2 Heritage. He concludes that the proposal would not harm, and overall would enhance the listed building and the conservation area in which it sits.
- 4.70 At paragraph 6.49 Mr Crisp concludes "I therefore consider that taking into account the minor level of harm (which I consider will always be at the lower end of 'less than substantial') arising from the loss of elements of the plan form of the building and undertaking an 'internal' heritage balance considering the proposed benefits that, as a minimum, the proposals would preserve and enhance the significance of the listed building. I also consider that bringing the building back into a viable use which would allow for the upkeep of the building for future generations is a further benefit derived from the proposals. On this basis, I also consider that the proposals would lead to enhancement as a result of the importance of the building in the conservation area.
- 4.71 Far from being a reason for refusing the application, the enhancement of the listed building and conservation area should have been seen as a matter in favour of approving the proposal.
- 4.72 The assessment by Mr Crisp also considers that, if contrary to his view that the proposal would enhance the listed building and the conservation area, any harm would be "less than substantial". He sets out at paragraph 7.2 "It is clear that we - the appellant, LBC and HCRD - might have differences of opinion on the impact on the listed building and, subsequently, the Hampstead Conservation Area. Notwithstanding my conclusions that the proposals would enhance the significance of the listed building, If it were to be

concluded that the proposals harm the significance of the listed building, this would be limited to ‘less than substantial’”.

- 4.73 If there is any harm (and Mr Crisp is clear that he thinks the proposal enhances and at least preserves the historic character of the building and the conservation area) then the harm is less than substantial. Paragraph 196 of the NPPF is clear in that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use”. Taking this approach, I find that the benefits of the proposed development outweigh the level of harm that would occur. The benefit of the proposal are outlined in detail in Section 5 and the Executive Summary.
- 4.74 The benefits include the longevity of an outstanding secular state school, the increased sustainability of the school once relocating the former Hampstead Police Station, bringing the listed building back into use with a sympathetic renovation.
- 4.75 Paragraph 192 of the NPPF sets out “In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”.
- 4.76 Mr Crisp established at paragraph 6.47 that “elements of the proposals which are positive which must be taken into account in the ‘internal’ balance. These benefits are:
- The reinstatement of the experience of the route from the Magistrates Court entrance to the Court room itself through:
 - Removal of the modern partition within the stairwell to the Magistrates Court to restore the original appearance of this route to the Court room;
 - Removal of the modern ceiling to the reception area outside of the Magistrates Court;
 - The restoration of the decorative plasterwork to the reception area to the Magistrates Court;
 - The removal of the modern accretions to the rear of the building to better reveal the original rear elevations. This is supported by a comprehensive approach to servicing;
 - The restoration of the external envelope of the building;
 - The removal of modern additions to the Stable block;

- The sensitive re-use of the Stable block which would allow for the refurbishment and renewal of the exterior envelope.

4.77 The appeal proposals are in accordance with CLP Policy D1 in that the significance of the identified heritage assets has been considered throughout the design process leading to a heritage led design. The application/appeal proposals will preserve and enhance, the character and appearance of the Hampstead Conservation Area and sustain the significance of the grade II listed former Hampstead Police Station putting it to viable use consistent with its conservation.

HNP Policy DH2 (Conservation areas and listed buildings)

- 1. Planning applications within a Conservation Area must have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies.*
- 2. In reference to NPPF paragraphs 131 to 136, the Plan provides further guidance on the application of these policies below.*
- 3. New development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas.*
- 4. Development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation area, as identified in the relevant Conservation Area Appraisals and Management Strategies (see Appendix 3).*

4.78 The proposed development will preserve and enhance the character and appearance of the Hampstead Conservation Area by bringing the Grade II Listed Building, a key landmark within the surroundings, into a beneficial use through continued occupation. The design has been carefully developed to ensure that any alterations to the historic building fabric have been kept to a minimum and areas of historical significance have been preserved.

4.79 The proposed development complies with HNP Policy DH2 in that the development proposals seek to protect and enhance the external elevations of the Listed building to ensure it continues to make a positive contribution to the Conservation Area.

4.80 The proposal provides for a development that will increase public access to and enjoyment of the building and will be more sympathetic and accessible than allowing it to lie vacant or if, notionally, it were converted to a commercial or residential use.

5. Benefit of the Proposed Development

- 5.1 In this section, I will consider the benefits of the proposed development that must be weighed in the planning balance in the consideration of the Appeal.
- 5.2 The proposal enables Abacus Belsize Primary School to move into a permanent site and therefore enabling the school to continue operating at the Outstanding levels recognised by OFSTED in June 2015. The site is in a sustainable and accessible location and utilises previously developed brownfield land effectively and efficiently for a use that complies with the Development Plan. The principle of the change of use from a police station (Sui generis) to a school (Class D1) is supported on the basis that it would bring a vacant public building back into beneficial community use and accords with national, strategic and local planning policy.
- 5.3 At a regional level, the London Plan (2016) is also very supportive of the diversity of educational facilities and particularly gives reference to promoting and encouraging the development of Free Schools such as Abacus Belsize Primary School.
- 5.4 The importance of pursuing the educational agenda to which the Government is firmly committed cannot be disputed. It is important that developments that are acceptable in planning terms be granted permission. The proposed development has been brought forward by Department for Education as a direct response to a Free School requirement.
- 5.5 The local business/enterprise space in the Magistrate's Court is intended to provide flexible office accommodation could help support small businesses within the local area by providing co-working space.
- 5.6 The Main Hall, Small Hall and Kitchen will be available for community use within the school element of the proposal. All levels of policy support the provision of community facilities such as LBC's Local Plan (2017) Policy C2 (Community) and Hampstead Neighbourhood Plan (2018) Policy HC2 (Community facilities).
- 5.7 The community use of the school can be secured and controlled via a condition requiring the school to adopt a Community Use Agreement which outlines details of the proposed type, frequency and scale of use.
- 5.8 The community use will regenerate and reinstate the building as a key focus for the local community by allowing members of the public to access the facility and fully appreciated the heritage features. This carries a substantial public benefit in the determination of the application.
- 5.9 The proposed development will deliver a range of sustainability benefits with a BREEAM Very Good rating combined with an 87% reduced in carbon emissions and use of renewable technologies such as air source heat pumps and photovoltaics. The appeal seeks to re-use and restore an existing Listed building which is located in a sustainable location.
- 5.10 The table below seeks to summaries the key benefits of the proposed development and their weight in the planning balance.

Benefits of the Proposed Development

| Element | Commentary | Weight in Planning Balance |
|--|---|--|
| Education | | |
| Creation or Alteration of Educational Use | <p>Creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities.</p> <p>Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective. Policy statement in August 2011 (CD04/03)</p> | Paragraph 94 NPPF 'Great Weight'. |
| Sufficient choice of school places is available to meet the needs of existing and new communities. | There is clearly a demand for Abacus Belsize Primary School that has been demonstrated since it opened in 2013. The school provides choice for the Belsize residents to send their child to a secular school. | Paragraph 94 NPPF 'important'. |
| Raising educational standards: provision of high quality education | The proposal would allow the continued provision of 'outstanding' education for students. | Great Weight (CD04/03) |
| Longevity of an outstanding secular state school | The DfE and Trust are a responsible long term occupant of the building. They are fully aware of obligations for maintenance and upkeep of the Listed Building. | Limited Weight |
| Community access | Out of Hours use of the school facilities (main hall, small hall). The building will also be accessible to members of the public who can appreciate this landmark Listed Building. | Substantial public benefit |
| Social | Schools help support strong, vibrant and healthy communities by providing a hub for community interactions. | Limited Weight |
| Delay to Permanent Site | Government Policy expects there to be co-operation which avoids delay, to ensure the minimum disruption to children and teachers. There have been significant delays in the planning process since 2013. This places a greater urgency on the need to find a stable long term solution for the school. | Limited Weight |
| Transport | | |
| Promotion of Active Travel: | The development proposes to be car-free and promote sustainable modes of transport through hard and soft measures such as, not providing car parking spaces, and | Cycling and walking measures have moved to the |

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| Cycling and walking to school | continuing to put the car-free and walk to school ethos at the forefront of the school ethos. | very heart of considerations for all transport policy and planning. (CD11.05) |
| Mini-bus to Temporary Site | The temporary site at Jubilee Waterside Centre is leased from LBC. The majority of the children live within the Belsize Park catchment area and are currently transported by private mini-bus to their temporary site each day. This is a costly and time consuming process for parents and staff. The bus does not offer a long term solution and the majority of parents want to be able to walk to school. There is a critical need for the school to move closer to its pupils and the catchment area. Removing the need for the minibus will decrease congestion and improve air quality. | Moderate Weight |
| Health & Wellbeing | | |
| Health Benefits | School active travel could therefore play a greater role in preventing obesity and supporting healthier weight. | Limited weight |
| Proximity to Open Space | The appeal site is located near green space in the form of Hampstead Heath. It is proposed that classes will utilise Hampstead Heath for outdoor learning. Each half term, the whole school currently enjoys a 'Heath Day' where they spend the day developing outdoor skills on the Heath. The Heath is located at the end of Downshire Hill some 400 metres from the proposed site and is approximately a 5 minute walk for children. | Moderate weight |
| Other | | |
| Employment | <ul style="list-style-type: none"> • 24 Full time Equivalent Staff • 18 Full time Equivalent employees within the Business and Enterprise Space • Construction Employment | Significant Weight (Paragraph 80 of NPPF) |
| Heritage | Bringing a vacant building into beneficial use. The school will regenerate and reinstate the building as a key focus for the local community by allowing members of the public to access the facility and fully appreciated the heritage features. This carries a substantial public benefit in the determination of the appeal. | Significant Weight |
| Climate Change | <p>Mode shift to active transport is one of the most cost-effective ways of reducing transport carbon emissions. Relocating closer to the catchment and pupils walking to school will deliver substantial benefits.</p> <p>Carbon Emissions savings of 87% from the refurbishment when compared to the buildings use as a Police Station. (CD01.22)</p> | Significant Weight |

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| | Renewable Energy in the form of Air Source Heat Pumps. Feasibility of photovoltaics on the roof. | |
| Sustainability | The development will achieve a BREEAM Rating of Very Good (69.72%). | Limited Weight |
| Ecology | A minimum of two bird and bat boxes will be installed as controlled by Planning Condition 17. Introduction of landscaping in rear playground. | Limited Weight |
| Reuse of brownfield public sector land retained in community use | The site is in a sustainable and accessible location and utilises previously developed brownfield land effectively and efficiently for a use that complies with the Development Plan. The principle of the change of use from a police station (Sui generis) to a school (Class D1) is supported on the basis that it would bring a vacant public building back into beneficial community use. | Moderate Weight |

Assessment of Impacts from the Development Proposals

| Element | Commentary | Weight in Planning Balance |
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| Transport PIM 1) Whether the proposed development would be sustainable development in terms of transport, having regard to the effect on trips by private motor vehicles, traffic congestion | <p>The proposed development will target 0% private car use amongst pupils, staff and business users through a range of physical, promotional and educational measures which will be included in the Travel Plan which would be secured by condition on planning permission and s106 legal agreement.</p> <p>As set out in Mr Ferguson's proof at paragraph 0.10 "Owing to the established nature of Abacus Belsize Primary School and its defined catchment area as well as a firm commitment to its School Travel Plan this in itself satisfies Policy C2 and paragraph 4.33 of the Council's Local Plan as there would be no increase in vehicle traffic movements or an exacerbation of air pollution in Hampstead or Belsize Park arising over the existing situation, which involves a limited numbers of drop-offs and pick-ups at the bus-stops within the Belsize area followed by the bus-</p> | <p>In my opinion the school would result in a decrease in trips by private motor vehicles or increased traffic congestion; over the baseline of the existing use of the site as a police station. The total number of trips would not in any event be significant regardless of any baseline.</p> <p>In my opinion in terms of the baseline traffic movement should be based on the historic pattern of usage at the Police Station. The site could conceivably operate at full capacity, which would be a busy 24 hour a day, 7 days a week use.</p> <p>The school would offer a reduction in the number of vehicle movements over this baseline. The</p> |

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| <p>and air pollution.</p> | <p>trips themselves (which would of course be eliminated”.</p> <p>It is vital to note that the scale and intensity of use of the school has been significantly reduced in the appeal with the reduction in the number of pupils to 210 (1FE) compared to the original application for 420 pupils (2FE).</p> <p>The Planning Committee report (CD02/05) in the Executive Summary makes it clear that: “Given that school numbers would be capped at half the level of the refused scheme (a condition to control this is recommended), the proposals would have the potential to generate much fewer parent drop-off and pick up trips than the previously refused scheme. Transport officers consider that taking account of this and that the school could put in sufficient measures to discourage driving that the proposals are considered acceptable in transport terms”.</p> | <p>overall number of trips in any event is not significant.</p> <p>The school is committed to being car-free and walking to school which can be secured by S106 agreement.</p> <p>The car-free school is entirely consistent with Government policy to deliver a significant step-change in walking and cycling.</p> |
| <p>Noise to properties at 50, 51, 52 and 52a Downshire Hill.</p> <p>PIM 2) The effect on the living conditions of local occupiers in terms of noise;</p> | <p>Mr Jarman’s Proof of Evidence provides a full assessment of the Noise matter.</p> <p>Paragraph 6.17 summaries “The conclusion on internal levels is therefore similar as for the assessed noise levels in gardens. By 1dB only a significant adverse noise impact is assessed where the relevant residents have indicated they would prefer no new acoustic screening be erected to the relevant section of the site boundary. This 1dB excess should be seen in the context that only a 3dB change in noise levels is considered perceptible. It of course only applies for a limited period of each school day”.</p> | <p>In my opinion, although the noise levels experienced by the local residents as a result of the school’s operation needs to be given significant weight, they would not be an unacceptable impact given the limited hours of the day during the school term.</p> <p>No residential property would experience an effect such that it would be rendered an unattractive place in which to live. The effect on the living conditions of local occupiers would be limited.</p> <p>In my opinion, whilst the existing historic baseline use of the site as a car park for police station is impossible to predict with any degree of accuracy the noise levels; overall the school would afford a degree of betterment due to the</p> |

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| | | <p>limited timing of the noise effects during the working day.</p> <p>Regardless of the comparison, the noise effects would not be cause unacceptable harm.</p> |
| <p>Outlook & Privacy to properties at 50, 51, 52 and 52a Downshire Hill.</p> | <p>The proposed development would result in a loss of amenity in terms of overlooking and privacy for adjoining neighbours compared to the current vacant site.</p> <p>The proposal will result in some neighbours experiencing a change of outlook and privacy from the current situation with a vacant building, however this has been designed to be as minimal as possible with the terracing of the playground and introduction of a landscaping buffer.</p> <p>The loss of amenity needs to be considered in the context of the historical use of the site as a Police Station and other possible uses for the building. For example, reinstatement of the existing car park with a fully operational Police Station building open for longer hours than a school and with the potential for continuous traffic movements across the whole year. While accepting that it would be impossible to predict with any degree of accuracy such speculative impacts on amenity it would have an impact on the quality of life of neighbouring occupiers.</p> | <p>There is a limited level of harm to amenity compared to a vacant site but it is not considered to be unacceptable. (CLP Policy A1)</p> <p>In my opinion, the potential effects on residential amenity are acceptable – living conditions would not be unacceptably affected and no residential property would experience an effect such that it would be rendered an unattractive place in which to live.</p> <p>It is appropriate to balance this degree of harm against the public benefits of the school for those attending it and the community as a whole; and the significant weight to the Government’s commitment to state-funded schools.</p> |
| <p>Air Quality PIM 3) Whether the location would be appropriate for a school, having regard to air quality</p> | <p>CLP Policy CC4 (Air quality) sets out developments that introduce sensitive receptors (i.e. housing, schools) in locations of poor air quality will not be acceptable unless designed to mitigate the impact. The building has mitigated against the air quality with the provision of full mechanical ventilation.</p> | <p>The appellant has assessed the air quality across the appeal site and demonstrated there would be no risk to health.</p> <p>Air quality will not be detrimental to the health of users of the site.</p> <p>Air quality is not considered a constraint to planning permission for the proposed development</p> |
| <p>Heritage</p> | <p>The proposed development will preserve and enhance the character and appearance of the Hampstead Conservation Area by bringing the</p> | <p>The proposed development would preserve the significance of the listed building bringing the building</p> |

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| <p>PIM LBC 1) The effect of the proposed development on the architectural quality and historic interest of the former police station, which is listed Grade II</p> | <p>Grade II Listed Building, a key landmark within the surroundings, into a beneficial use through continued occupation. The design has been carefully developed to ensure that any alterations to the historic building fabric have been kept to a minimum and areas of historical significance have been preserved and enhanced such as the main facades, the magistrates court, and the magistrate’s stairs, to name a few. The preservation and enhancement to the Grade II Listed Building and Hampstead Conservation Area should be given significant weight in the balancing the development as a whole.</p> | <p>back into a viable use which would allow for the upkeep of the building for future generations.</p> <p>Great weight should be given to the conservation of the former police station building (NPPF paragraph 193).</p> <p>If it were to be concluded that the proposals harm the significance of the listed building, this would be limited to ‘less than substantial’.</p> <p>In my opinion the public benefits of the school clearly outweigh the less than substantial harm to the significance of the Listed building.</p> |
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Other Material Considerations: Demand and Need

- 5.11 Objectors to this proposal have contended that there is no demand for what is seen as a “new” school. This is not a new school and has already had its first cohort of pupils graduate. The appeal is seeking the relocation of an existing school closer to the catchment area it was established to serve.
- 5.12 The assertion of a lack of demand is not correct and in any event has little bearing on the assessment of the planning balance. The school is not, however, a new one and has been providing an outstanding education for the children of the Belsize area for seven years. The appeal is concerned with relocating the school to a long term building that is in a location appropriate to the catchment.
- 5.13 There is clearly a demand for Abacus Belsize Primary School that has been demonstrated since it opened in 2013 as:
- An Outstanding School – There are only 6 out of 40 primary schools within a mile radius of the Belsize Park that have an OFSTED rating of ‘Outstanding’. Therefore, illustrating the need to provide the school with a permanent site to provide high-quality education for the local residents. As a result of the high quality of the school, it does not suffer from a low intake in the same way as other schools within the borough.
 - Choice of a State School (non-faith) – The nearest state school (non-faith) to the catchment area is Fitzjohn's Primary School in Hampstead, which is consistently over-subscribed. This highlights the need for additional choice of student places within walking distance from Belsize Park catchment area.

- Abacus Belsize Primary School provides for a choice of school places and seeks to widen choice in the type of primary education that is available within the catchment area.
- 5.14 Within Camden Local Authority there are pupil spaces currently available in other existing primary schools. However, that does not extend to Abacus Primary School which is consistently over-subscribed because the quality and location of what it offers is in demand. Planning policy at NPPF paragraph 72 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. The presumption in favour of state-funded schools and the need to establish and develop them attracts significant weight.
- 5.15 There is clearly great appreciation and a strong sense of community at the school from local parents, staff and students. This is reflected in the representations to the planning applications and as interested parties to the appeal.
- 5.16 The school provides greater diversity in the state-funded school sector by providing a non-faith option. This meets the need and the drive for increased choice and higher standards.
- 5.17 Allowing this appeal would enable the school to establish a permanent home and the impacts of this are discussed further by Vicki Briody the founding Head teacher at Abacus Belsize Primary School who will address the Inquiry on Educational Matters and her evidence is included in Appendix 1.

6. Conclusion

- 6.1 The proposed development enables Abacus Belsize Primary School to move into a permanent site and therefore enabling the school to continue operating at the Outstanding levels recognised by OFSTED in June 2015. The site is in a sustainable and accessible location and utilises previously developed brownfield land effectively and efficiently for a use that complies with the Development Plan. The principle of the change of use from a police station (*Sui generis*) to a school (Class D1) is supported on the basis that it would bring a vacant public building back into beneficial community use and accords with national, strategic and local planning policy.
- 6.2 The school provides choice for the Belsize residents to send their child to a secular school. This is supported by Paragraph 94 of the NPPF which highlights the importance of communities being given sufficient choice of school places. Great weight needs to be attributed in the decision-making process to the contribution that the proposed scheme would make towards creating a permanent home for the school.
- 6.3 The importance of pursuing the educational agenda to which the Government is firmly committed cannot be disputed. It is important that developments that are acceptable in planning terms be granted permission. The proposed development has been brought forward by Secretary of State for Education as a direct response to a requirement for 'Outstanding' secular state school for local residents of Belsize Park.
- 6.4 At a regional level, the London Plan (2016) is also very supportive of the diversity of educational facilities and particularly gives reference to promoting and encouraging the development of Free Schools such as Abacus Belsize Primary School.
- 6.5 The proposed development does give rise to potential adverse impacts in terms of noise and amenity for the immediate neighbouring residents. These impacts are not considered to be unacceptable in the context of the substantial public benefits arising of the scheme.
- 6.6 Clearly the resident's perception of the scale of change is exacerbated by the site being vacant since 2013 and the site being underutilised by the police for a number of years prior to that. If the site were to be reinstated as a fully occupied police station and magistrates court; it would bring significant traffic, noise and amenity impacts at the premises 7 days per week; 24 hours a day on 365 days per year. In this context, the school would lead to a significant betterment in the noise and amenity impacts.
- 6.7 The proposal represents sustainable development and the balance is very clearly in favour of the grant of planning permission.
- 6.8 I respectfully recommend that the Inspector allow the appeal and that planning permission and listed building consent be granted subject to conditions.

Appendix 1 Educational Case



Section 78 Town and Country Planning Act 1990

London Borough of Camden Planning Application Nos: 2019/2375/P (Planning Permission) & 2019/2491/L (Listed Building Consent)

Vicki Briody

B-Ed Hons Degree with Maths (University of Hertfordshire)

Teaching for 17 years in London (Islington and Camden) and a headteacher for seven years.

Headteacher of Abacus Belsize Primary School, Senior Lead Learner in Anthem Trust

In Respect of an Appeal under Section 78 of the Town & Country Planning Act 1990 for:

Change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works at the Former Hampstead Police Station, 26 Rosslyn Hill, London, NW3 1PD.

In relation to:

Educational Matters

Prepared for

Department for Education

Hello, my name is Vicki Briody and I am the founder of Abacus Belsize primary.

We have now been in operation for over seven years and are a successful and thriving school. We are sometimes still called a “new” school. But I want to dispel that myth. We WERE a new school when we were set up in 2013 to serve the needs of Belsize Park. However, we are now very much part of the Camden school profile and we are no longer new. Our first Year 6 graduates left us in July and we continue to welcome a full intake of new families through the door year on year.

This is the school’s ethos and the continuing reasons we were established all those years ago

As a Free school we were set up to serve the community of Belsize Park, just a short walk away from the disused police station we hope will become our permanent home. Before Abacus, families had very limited options for state schooling with a near impossibility of getting in to any of the oversubscribed local non-religious schools (or even the religious schools for that matter). The phrase “Pay or Pray” is still used now to describe the black hole of catchment. But now nearly always followed up by the response of “luckily we have Abacus!” Families with young children mostly moved out of the area to seek better school options, or stayed in the private sector before moving out and going to a state school somewhere else. Now this wasn’t because the schools in Belsize Park were bad, it was simply because there were NONE. I’m sure over the course of this inquiry we will hear from families who exactly experienced no school offer at all until we were in existence.

The ethos of the school was never to set up in competition, never to offer a niche education for the privileged few. We were set up just to be a state school to fill a need for non-religious, non-fee-paying schools in Belsize – the DfE sanctioned our establishment for both choice and need. We have, at our heart, outdoor learning, languages (in particular Mandarin) and quality education for all. We are a small, inclusive school that listens to its community and aims to do the best for everyone walking through the doors. Whether you live in a private road off Belsize square, council housing or the temporary hostel housing on England’s Lane we strive to enable all children to succeed. And on the whole we have proved ourselves very effective in this.

We need to get back to being close to our catchment to better serve our vulnerable families

Our intake is mixed as most London schools are. We serve a diverse population with children from all over the world who speak many languages. We also serve a small but core group of vulnerable families. These families benefit from the small school ethos that drives all of our staff who care about each individual child. We do a lot to support those families but the challenges of being removed from the heart of our catchment should not be underestimated. Not being able to greet our parents on a daily basis at the classroom door or school gates is tricky. We manage this well but it was only ever supposed to be a temporary measure. It’s important for all schools to work alongside parents. Our vulnerable families need that close support now more than ever.

We were originally located at the Town Hall in Belsize until we moved to the temporary location. The process of finding a permanent location was lengthy. The former police station appears to be the only realistic option. With two planning applications having been refused by Camden, our hopes for a much earlier relocation have been dashed and we are now looking at 2022 at the earliest. If this appeal were to be dismissed, I assume that we will be unable to find a new location in the foreseeable future, with all the downsides that will have for the Belsize community.

Our school was founded as a walk to school community school. Part of that has long been out of our hands and it is time it was rectified. As we will evidence, we have always had a walk to school ethos. When you hear from our parents they will talk about the realities of driving in Belsize Park. There is hardly a peak morning journey that couldn't be made quicker on foot in our area and many would find there would be nowhere left to park back at home even if they did attempt to drive. About half of our families don't have a car but ALL ARE COMMITTED TO BEING CAR FREE ON THE SCHOOL RUN. Why would you want to drive when the hardest thing about our school currently is parents putting the children on a school bus and losing that connection with school staff? Walking to school, talking about the day, dropping your child off before getting public transport to your place of work, talking to the class teacher at the classroom door is seen as a real luxury our parents don't currently have. It's about time we gave them the normality of a local community school. And the chance to make a difference to the congestion in the area. The congestion is already there. We certainly don't want to be adding to it. Unless, of course, Abacus ceased to exist, when driving or being driven across the borough to a remote alternative school would be the only option for almost 200 families that already start their day by walking across the catchment area to get the school bus. By relocating close to our catchment we will of course no longer have to operate the school buses.

Let me tell you a bit about our success and how we work as part of Anthem Trust

As a Free school, sometimes we can be treated differently. The reality of Abacus is that a new school was needed in Belsize and the ONLY way to open one then and now, under current government administration was to set up as a free school, an academy. However, we were never set up to offer a niche education, which is why we follow the national curriculum and we were never set up in competition with local schools. Which is why our catchment map is drawn exactly as it is. We wanted to fully encompass all of the roads in Belsize Park that had no hope of a state school offer whilst not going in to the "catchment" areas of already existing schools. We joined CfBT Schools Trust which is now Anthem Schools Trust from the very outset to make the dream of Abacus a reality. As a small school we bring a lot to the table. Our teachers are seen as experts in the Trust and support some of the other schools in improving their education. We have learnt from the other schools as well and have widened our curriculum offer and shown a huge improvement in our attendance figures since first opening. We work collaboratively within the Anthem schools trust and will continue to do so.

But our success also comes from our work as part of the family of Camden schools

Again I must emphasise that we were never set up in competition to any other Camden school and we work closely and collaboratively with many of them. One of our staff members has trained and works as a Camden school moderator, our subject leaders work in the Camden school hubs, I work closely with Camden learning and we hold accountability meetings with them to ensure our standards of education are as high as can be. We consider ourselves very much one of the Camden family of schools. And, the most part, we are treated as such too. Unfortunately there are those who occasionally forget this ...

We have been delivering excellent outcomes for our early years and key stage 1 children since the very beginning of opening. We are consistently within the top 10 schools within Camden, getting excellent results for Camden families and most importantly for our children who live in the borough of Camden.

While I understand this is not a planning matter, I know that one of the concerns at Camden's level has been falling numbers in some of its other schools, but Abacus has been immune from that problem. This is partly because we serve a catchment where access to non-religious state school is so needed, and partly because of the excellence of the school. We hope that by relocating we can extend what we offer further, and particularly towards greater numbers of disadvantaged families who will benefit from the school being closer to the catchment and able to operate within its community.

Let me explain why the police station will make the perfect home for Abacus

It's not just that it's nearby, although that will be a major bonus. We have worked closely with the architects, the heritage experts and others, and importantly with Camden Council's planners over the past few years, to ensure that we can make the very best use of this unique and special space.

The careful thought and effort that has gone into how to make the best use of the police station space has been wonderful to watch. I and my staff have been closely involved in the design of our permanent site which will be such an improvement on our current situation. We are of course grateful to Camden for the use of the Jubilee Waterside Centre, but it was only ever intended as a temporary measure and to be honest it has not really felt like more than 'camping out'.

What we can have at Rosslyn Hill will be a bespoke design for every year group, with enough room for specialist facilities and a proper hall. Not having to artificially cram in classrooms as year after year of delay has forced us to 'shove up a bit'.

Although not a large space, the new playground will also be a huge improvement on what is currently on offer. The clever design and layout will give us a dedicated space for the little ones, right outside their classrooms, and still plenty of room for main school as well.

And it isn't true that everyone who lives close to the police station is dead set against us. You will have seen comments from several Hampstead residents, even immediate neighbours of the police station, who wish us well and support us moving to Rosslyn Hill.

Including parents of other local schools who feel no threat from our existence, but just believe that every child deserves the best education, as close as possible to where they and their friends live.

Looking specifically at the challenges of COVID

As I am sure every school across the country would say, we and our families were hit hard by COVID-19 and the announcements of school closures across the country back in March. However, we stayed open for all of our key worker children and our vulnerable families. We remained open over the Easter holidays which enabled our key worker families to continue working long hard hours in the NHS making a real difference to people's lives. Several parents are doctors or nurses and support staff at The Royal Free Hospital, just a couple of hundred metres from the police station site. All of our staff were extremely grateful that they could do something in support during this difficult time.

We stayed in contact every week, with each class teacher setting online learning and ringing and speaking to every single parent and child, every single week that school was officially closed. On the 1st June (well before most schools) we welcomed back most of our Reception, Year 1 and Year 6 children whilst still maintaining education for the key worker and vulnerable families. We also continued to set online learning for all other year groups and again spoke to every single child and parent each week. For some of our families those phone calls were two or three times a week to ensure we were doing all we could to continue to support them. From the beginning of July we were able to open up our school for every year group to return full time for the last two weeks of term. This enabled us to give back some of the missed education, emotional support and family support that was needed.

I believe we were one of the most well-populated schools in Camden offering all children a full timetable. Our parent community also rallied around and we were able to provide over £500 of shopping vouchers to our families in need, as well as offering the government scheme of vouchers and our own school hampers of food. Logistically we had to carefully adapt our previous travel plan and staff extra buses, additional hours and staggered starts and exits to make this possible. Yet we did it. Because we are deeply committed to educating the children within our school.

We are not unique in having been through a very difficult period, but I am genuinely proud at how well we have managed these last few months. I cannot begin to tell you how utterly devastated our parents and staff would be, if I had to tell them the school must close as no permanent site can be secured. And the children would be shattered and fail to understand if they were to be scattered across many different random Camden schools and elsewhere even further afield in some cases. With ad hoc journeys away from the familiarity, support and friends of their school community. For vulnerable families it could well be distressing to lose their known school community at this time.

In looking to the future, if I may conclude by saying, our recent experience has thrown into stark relief the additional burden we and our families have to bear by being such a distance from the community we serve. The dedication of our staff and the love and commitment of

our families has been shown not just in the success of our educational standards and high levels of care, but by overcoming the herculean challenge this year has thrown at us. With over 90 per cent of all our families back at school before the end of term we have not only far outstripped the national average but outperformed most of Camden as well. Just imagine what we could achieve if only we could move to the permanent home of the police station and be a short walk to the community we were always born to serve.

Thank you.

JLL

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