

February 2020

Full Statement of Case

Abacus Belsize Primary School

Former Hampstead Police Station, 26 Rosslyn Hill, London NW3 1PD



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1 Introduction

- 1.1 This Statement of Case has been prepared by JLL of 30 Warwick Street, London W1B5NH on behalf of “the Appellant”; The Department for Education (‘DfE’) and Anthem Schools Trust.
- 1.2 This follows the decision by the London Borough of Camden (‘LBC’) to refuse planning permission (LPA Ref: 2019/2375/P) and listed building consent (LPA Ref: 2019/2491/L). This appeal is submitted pursuant to Section 78 of the Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background

- 1.3 The site is located at the Former Hampstead Police Station, 26 Rosslyn Hill, London NW3 1PD (“the appeal site”) within the administrative boundary of LBC.
- 1.4 The appellant has been engaging with LBC regarding this proposal since January 2018 through a series of formal applications meetings. The application for the full planning permission and listed building consent was submitted in May 2019. A previous planning application (Ref:2016/1590/P) and Listed Building Consent (LPA Ref: 2016/2042/L) for a 2FE (420 pupil) school which included the substantial demolition of the listed building, with a large extension added to the rear was refused in 9th August 2016. The current revised development proposal has sought to address the reasons for refusal.
- 1.5 The description of the appeal scheme is:

“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.”

- 1.6 Abacus Belsize Primary School is a mixed 1FE (210 pupils) primary school that opened in September 2013 under the Free Schools Programme to serve the children of Belsize Park NW3. Since the school opened, it has been located in temporary accommodation. The school was originally located in the WAC Arts Centre (the Old Town Hall, 213 Haverstock Hill, NW3 4QP) from September 2013 to September 2015. The school is now in its second 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). Allowing this

appeal would mean allowing the school to relocate from its current location which is far from satisfactory for the children it serves in the Belsize catchment area.

- 1.7 The appeal site is outside of the school catchment area but it is 250m from the boundary. The Camley Street site is situated 2.7 miles (4.3km) from St Peters Church, Belsize Square, NW3 4HJ at the centre of the catchment area.
- 1.8 The school is OFSTED 'Outstanding' (June 2015) and has consistently been in the top five schools within London Borough of Camden (LBC) for Early years classes and Key Stage 1 outcomes. In 2018, the reception class attained the highest outcomes in LBC; illustrating the high calibre of education that the school provides to the children of the Belsize Park despite the distance from its catchment area.
- 1.9 Abacus Belsize Primary School provides for a choice of a state (non-faith) school amongst independent and faith-based school options, therefore widening the choice in the type of primary education that is available within the catchment area.
- 1.10 The applications for planning permission and listed building consent were considered by the Planning Committee on 14th November 2019 which considered the Officers Report to Committee, together with a supplementary agenda with updates and representations received since the Officers Report had been made available.
- 1.11 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.
- 1.12 Planning permission (LPA Ref: 2019/2375/P) was refused by notice dated 23 December 2019. The Council 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.*

1.13 Listed building consent (LPA Ref: 2019/2491/L) was refused by notice dated 19 December 2019. The Council 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.*

Inquiry Documents

1.14 Appendix 1 contains the Original Submission Document List. In accordance with Annex F 3.5 the appellant has formally submitted:

- A copy of the planning application form;
- the local planning authority's decision notice,
- full statement of case;
- the draft statement of common ground;
- the other essential supporting documents; and
- and paper appeal forms.

1.15 A number of the plans and documents were submitted to LBC as part of the application but were subsequently superseded during the determination period. A list of both the current and superseded plans is contained in Appendix 2 'Documents Submitted During Determination'.

1.16 In accordance with Procedural Guide Annex F3.5 a draft statement of common ground is submitted in draft for agreement with LBC.

Witness Evidence

1.17 At the forthcoming inquiry, the Appellant intends to call witness evidence and/or submit evidence to deal with the following subject areas:

- Heritage;
- Noise;
- Air Quality
- Transport;
- Educational Case; and

- Planning policy matters.

1.18 The application documentation will be augmented to address the objections and reasons for refusal and any updates appropriate to the appeal.

1.19 The Appellant reserves the right to amend or add to this list of professional witnesses in light of representations from interested third parties.

Content of this Statement

1.20 This statement is structured as following:

- **Section 2** sets out the appeal site context;
- **Section 3** provides more detail on the appeal proposals;
- **Section 4** explains the case for the appeal; and
- **Section 5** concludes the statement.

2 Appeal Site Context

2.1 This section describes the appeal site and surroundings in terms of the land uses and special features in order to set the context.

The Site

- 2.2 The Appeal Site is approximately 0.16 hectares and is located on the north side of Rosslyn Hill at the junction with Downshire Hill, between Hampstead and Belsize Park.
- 2.3 The main building is Grade II listed, it was a former Police Station and Magistrates Court. It is also situated within the Hampstead Conservation Area. Ancillary to the main red brick building is the Stable Block (which is curtilage listed) and outbuildings to the rear of the Appeal Site. A Victorian residence, 26 Rosslyn Hill immediately abuts the site to the south east and was formerly used by the Metropolitan Police. The residence does not form part of the appeal site.
- 2.4 The main building is three storeys plus basement, however due to the sloping gradient towards the north east of the site, the basement is level at the rear of the building. The main building has two wings, thus forming a U shape with the main frontage onto Rosslyn Hill. In the south-eastern corner of the site is the two-storey former Stable Block.
- 2.5 The appeal site currently has four entrances, and a designated escape exit. There is a principal entrance on Rosslyn Hill; previously the public entrance for the Police Station. This entrance is stepped over a lightwell and between the two listed police lamps.
- 2.6 The Downshire Hill elevation provides two entrances to the Magistrates Court. One for members of the public and another more understated entry and exit point directly from the Judges Chamber area. The rear has an exit only point which provides a presumed emergency use only exit from the Police Station.
- 2.7 The 4th entry point to the appeal site is also on Downshire Hill and is located to the rear of the existing building. This was the vehicular entry point to the rear which was used as a car park in the more recent years of the building's use and previously for stables under the Metropolitan Police.
- 2.8 The building occupies a corner plot at the junction of Rosslyn Hill and Downshire Hill, comprising four storeys inclusive of a basement and attic storey. The building combines a mix of Classical and Arts and Crafts styles conveying a vernacular character, befitting of its position on the central High Street at the edge of Hampstead Village, whilst also exhibiting a strong sense of civic identity. Constructed in red brick with stone dressings, the building conveys strong architectural quality resulting in the presence of a local landmark.
- 2.9 The appeal site falls within Flood Risk Zone 1. In this zone land is assessed as having 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any year (low risk).

2.10 An aerial image of the appeal site is shown in Figure 2.1 below.



Figure 2.1: Aerial Image of the Location of the Appeal Site (Source: Google Maps)

The Surrounding Area

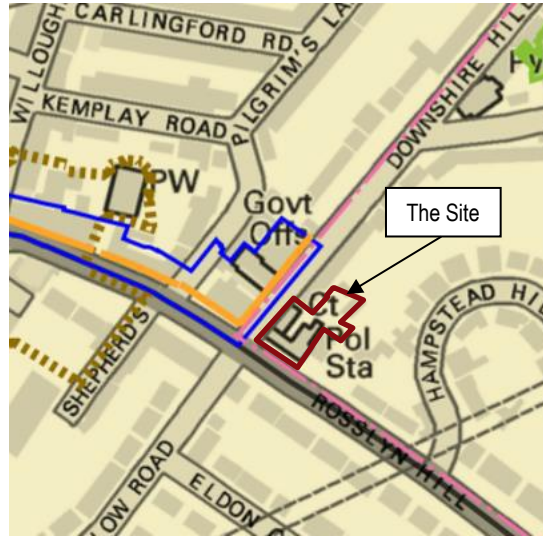
- 2.11 The site is situated within a cluster of listed buildings which all lie within the Hampstead Conservation Area.
- 2.12 The surrounding area is predominantly residential in character, comprising predominantly of two to three storey Victorian semi-detached properties.
- 2.13 Adjoining the northern boundary of the site are the rear gardens of residential properties accessed from Downshire Hill. Beyond this, approximately 0.5 miles to the north of the site is Hampstead Heath.
- 2.14 The site's eastern boundaries are formed by further residential rear gardens accessed from Hampstead Hill Gardens and the southern boundary is Rosslyn Hill. It is bordered to the west by Downshire Hill.

Accessibility

- 2.15 The Public Transport Accessibility Level (PTAL) is 4 (on a scale of 1-6 where 6B is the highest), which is described as 'good'. Hampstead Heath mainline station is 0.4 miles north east of the site and Hampstead Underground Station which is served by the northern line, is 0.4 miles north west of the site. Belsize Park Underground Station is located 0.4 miles to the south east of the site and is also served by the northern line.
- 2.16 There are also 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.

Planning Policy Designations

- 2.17 LBC adopted its Policies Map in 2017 (updated January 2019). Figure 3.2 below identifies that the site lies within Hampstead Conservation Area. Further to the north west is Hampstead Town Centre; of which the nearest frontages to the site are designated as secondary shopping frontages in the LBC Policy Map 2018.



- Metropolitan Walk
- Town Centre
- Conservation Area
- Protected frontage: primary, secondary

Figure 2.2 - Extract from LBC's Policy Map (Source: LBC Proposals Map)

3 The Appeal Scheme

3.1 This section outlines the details of the appeal scheme. The description of the appeal scheme is:

“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.”

The Proposed Development

- 3.2 The proposed development seeks to redevelop the site for educational use for a primary school (Use Class D1) and local business/enterprise space (Use Class B1) on land that currently comprises of the former Hampstead Police Station (sui generis).
- 3.3 The property is a Grade II Listed Building in a conservation area and will be used for a one-form entry (‘1FE’) school; Abacus Belsize Primary School.
- 3.4 The proposed development comprises the following main components:
- 7 teaching classrooms;
 - 3 additional learning rooms;
 - A library;
 - Food technology room;
 - 2 halls;
 - A kitchen;
 - Playground;
 - 214 sqm of local business/enterprise space;
 - 28 secure and sheltered cycle parking spaces and a covered store for 18 scooters;
 - Four secure and sheltered cycle parking spaces for the business/enterprise space;
 - Four short-stay Sheffield stand spaces on Rosslyn Hill
 - Staff and Administration rooms; and
 - Toilets, personal care and storage.

Layout

- 3.5 Due to the building being a Grade II Listed Building, the layout of the design has carefully been undertaken to balance the historic significance and the provision of a high-quality designed school.
- 3.6 The teaching rooms are located in:
- Lower ground: Reception, Year 1, Year 2;
 - First Floor: Year 3 and Food Tech Room;
 - Second Floor: Year 4; and
 - Stable Block (Annex): Year 5 and 6.
- 3.7 The local business/enterprise space is located to the north of the site, in the Magistrates Courtroom with a private entrance to ensure the safeguarding of the students.

The Benefits of Relocating the School to the Hampstead Police Station

- 3.8 Abacus Belsize Primary School is a mixed one-form entry primary school that opened in September 2013 under the Free Schools programme. Abacus was established by the CBfT Schools Trust in partnership with a group of 'pioneer parents' in response to a 'black hole' in education provision for state primary schools, particularly those with a non-religious focus. The Abacus Belsize Primary School catchment area encompasses the Belsize Ward and being 'local' is integral to its ethos. As a local school, it aims to admit children from within its catchment.
- 3.9 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.
 - Choice of a State School (non-faith) – The nearest state school (non-faith) to the catchment area is Fitzjohn's Primary School, 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 sufficient choice of school places and seeks to widen choice in the type of primary education that is available within the catchment area.
- 3.10 The site search commenced following Ministerial approval of Abacus Belsize Primary School in July 2012. 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. 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.

- 3.11 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. 70% of the last two years of 2017 and 2018 school intake live within a 15 minute walking distance of the appeal site, with the remainder living within a 20 minute walking distance of the appeal site.
- 3.12 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.

Playground

- 3.13 The proposed development seeks to provide the maximum amount of external play space available on site. The playground has been designed to be fully accessible.
- 3.14 The proposal features a series of terraced play spaces, on three different levels. At lower ground floor level there is a dedicated area for reception pupils with an external canopy to allow for the statutory requirement for inside/outside learning environments as well as covered play. The higher playground in the top area is designed for younger children in years one and two. A series of raked steps will provide seating and access to the lower playground adjacent to the Annex. Soft landscaping has been introduced where possible.
- 3.15 The layout of the playground has been carefully designed to consider the mitigation of noise levels.

School Operation

- 3.16 The proposal is for a 1FE primary school building which would, when fully occupied; provide places for 210 pupils aged 4-11 and 24 Full Time Equivalent (FTE) members of staff. The school opened in September 2013 in temporary accommodation within the former Hampstead Old Town Hall. In 2016 the school moved to the Jubilee Waterside Centre, where the school has a lease until 2022. Abacus Belsize currently has pupils in every year from Reception to Year 6.
- 3.17 The compulsory school day will run from 08:50 to 15:30, Monday to Friday. However, pupils will be actively encouraged to use the school facilities and resources to support or extend their learning before and after school. There will be pre- and post-school clubs meaning that the site would be open to pupils from 08:00 to 18:00 (see Table 7.1 for a timetable of the school day).

Table 3.1- Normal School Day

8.00 – 8.30	Breakfast Club	Approximately 30 children for 30 minutes in Hall
8.30 – 8.50	Arrival	Downshire Hill gates opens for Years Reception, 5 & 6 and siblings (80 children). Front entrance on Rosslyn Hill for Year 1,2,3 & 4.
8.50 – 9.00	Morning activities / Register	Classroom
9.00 – 10.15	Class time	Classroom
10.15 – 10.30	Breaktime: Year 1 + 2	60 children in playground
10.45 – 11.00	Breaktime	Maximum 120 children playing
11.00 – 12.15	Class time	Classrooms
12.15 – 1.00	Lunch time	Children moving between the hall, classroom and playgrounds. Maximum 90 children playing outside with up to 30 in the covered reception area.
1.00 – 3.00	Class time	Classroom or outdoors teaching areas only
3.00 – 5.00	After school clubs	Classrooms, hall or outdoors teaching areas only

3.18 It is important to note the school would only operate Mondays to Fridays in term times for normal school hours. Use of the playground will be limited to four weekends a year for events such as the summer fair or winter festival . This means that the external activity in the playground would not normally take place after 6pm on weekday or at weekends. Overall, activities associated with the school would take place some 183 days per year, approximately 50% of the days in the year.

Air Quality

3.19 The proposed development is located within the LBC Air Quality Management Area (AQMA) which has been declared for exceedances of the annual mean Air Quality Objective (AQO) for nitrogen dioxide (NO₂) and the 24-hour mean AQO for and particulate matter with an aerodynamic diameter of less than 10µm (PM₁₀). This has been declared for the whole borough for air quality action plan and reporting purposes but it should be noted that this does not indicate that all areas exceed the stated AQOs.

3.20 Dispersion modelling was undertaken in order to quantify pollutant concentrations at the site and to assess the potential for future users to be exposed to poor air quality. To ensure that a very robust approach was taken for a sensitivity test for future year predictions the following assumptions were made:

Traffic growth is in line with expected increases:

- Expected decreases in future road fleet exhaust emissions would not occur; and
- Expected decreases in pollutant background levels would not occur.

- 3.21 It is therefore considered that the predicted results represent a worst case air quality prediction for the proposed development opening year (2022).
- 3.22 The dispersion modelling undertaken at heights equivalent to the proposed building floor levels indicated that classrooms on the proposed lower ground floor (Reception, Year 1 and Year 2) may be exposed to concentrations of NO₂ between 5% below or above the annual mean AQO, and were subsequently classified as APEC – B in accordance with the London Councils Air Quality and Planning Guidance. Therefore, with the implementation of suitable mitigation measures these locations can be made acceptable for their proposed use.
- 3.23 Therefore, in accordance with the guidance, the inclusion of appropriate mitigation measures at specific classrooms (Reception, Year 1 and Year 2), as indicated in Figure 6 within Appendix I, is recommended in order to reduce the potential for exposure of future users to elevated pollutant concentrations.
- 3.24 It is proposed to include mechanical ventilation within the building design for the lower ground, ground, first and second floors. The Air Supply and Air Extract pipework will be taken from the roof at the highest and farthest from the road possible location in an area with NO₂ concentrations below 38µg/m³. These specific mitigation techniques will be required to protect future users from elevated concentrations at specified locations across the lower ground floor level.
- 3.25 All classrooms on the first-floor level and above are classified as APEC – A and, as such, no mitigation is required for the classrooms located on these floor levels.
- 3.26 There were no predicted exceedances of the annual mean AQO for PM₁₀ across the proposed development at the ground floor level and is classified as APEC - A as in accordance with the London Councils Air Quality and Planning Guidance.
- 3.27 Pollutants concentrations at the location of the proposed outdoor space (playground) have predicted annual mean NO₂ concentrations to range from 34.34 – 40.03µg/m³. There is no relevant (long term) exposure in this location and therefore the annual mean AQO should not be applied here. In addition, these results indicate that the short term AQO for NO₂ would not be exceeded and therefore this area is considered suitable for its proposed use.
- 3.28 In addition to modelling, monitoring of nitrogen dioxide (NO₂) concentrations has been undertaken at several locations in the vicinity of the proposed development site over a total period of three months in order to verify the findings of the assessment. The monitoring result were bias corrected using a co-location study at the Camden Kerbside automatic monitoring location.
- 3.29 The monitoring results indicate that NO₂ concentrations did not exceed the AQO at any location on the development site. As these results have been annualised and bias corrected they are considered a valid representation for NO₂ concentrations at the development site.
- 3.30 Comparison with the modelled concentrations estimated in the air quality assessment shows that the monitored concentrations are less than the modelled predictions. This supports statement that the

predictions in the assessment represent a robust or worst case estimate of annual mean NO₂ concentrations at the development site.

- 3.31 Vehicle movements associated with the proposed development will generate exhaust emissions, on the local and regional road networks. This was based on an overestimated traffic generation which did not account for traffic generation of the previous site use and assumed that the site would be operational for 365 days of the year. Similarly, the proposed boiler units have the potential to cause impacts on the site and surrounding area.
- 3.32 These anticipated road traffic increases and boiler emissions are below EPUK and IAQM screening criteria that determine the requirement for a detailed assessment. As such, potential air quality impacts associated with operational phase road vehicle exhaust and boiler emissions are predicted to be negligible and can be considered as not significant.
- 3.33 The potential additional emissions due to traffic generated by the proposal and from the proposed boiler units were assessed against GLA benchmarks. This concluded that the development would be considered air quality neutral and that no further measures are required to offset development emissions.
- 3.34 Given the evidence provided, the robust assumptions made for future predictions in the assessment, the proposed provision of adequate mitigation measures and the supporting monitoring results, it is considered that there are no grounds for refusal on air quality issues.

Noise

- 3.35 Attended noise measurements were undertaken at the temporary school site between 12:15 hours and 13:45 hours on 19th March 2019 whilst the playground was in use as set out in the Cole Jarman Planning Noise Assessment submitted with the application.
- 3.36 In the design of this application, mitigation has been carefully considered in terms of noise specifically due to the close proximity of the neighbouring residential properties on Downshire Hill. The proposed mitigation scheme was extensively discussed with LBC's Planning Officers throughout the pre-application and neighbouring residents in the determination process.
- 3.37 On 17th July 2019 a meeting was held on site with residents of neighbouring buildings to discuss the planning application and noise mitigation measures originally proposed. Initially, 4m acoustic screens were proposed to the appeal site boundaries shared with properties on Downshire Hill. Residents of the relevant properties raised concerns about the height and extent of the proposed acoustic screens, and the effect they would have on visual amenity.
- 3.38 The noise mitigation measures were subsequently amended taking the discussions into account and the neighbouring residents concerns were incorporated into the final design solution.
- 3.39 Full justification of the scheme in design, scale and massing terms is presented in the Planning Statement (JLL, May 2019); Planning Noise Assessment (Cole Jarman, September 2019) and the Design and Access Statement (Satellite, May 2019) submitted in support of the planning application.

- 3.40 The mitigation at the request of the residents at 50 Downshire Hill is proposed to be a 3m timber acoustic barrier located in the playground. A galvanized metal grid will be attached to allow climbing plants to cover the wall. The climbing plants will be on the school side of the wall and pruned annually. Hinged sections will allow maintenance behind the screen. This has been carefully designed to reduce the noise of the children within the playground and be aesthetically pleasing.
- 3.41 The noise impacts are a limited issue being confined to three residences immediately adjacent to the playground for defined periods amounting to a maximum of two hours on weekdays in term time. The other existing residences around the site are screened by existing brick boundary walls.
- 3.42 The evidence shows that there will be no significant adverse noise impacts. LBC's officers concluded that there would be no material impact from noise. The most that can be said is that during defined and limited periods of the day such as playtime or outdoor learning on weekdays during term time or else on very occasional outdoor school events there will be at most three hours during the daytime when noise levels will be elevated, mostly from the sound of children playing.

Transport

- 3.43 The accessibility of the appeal site by alternative sustainable transport modes has been examined, including considering the existing travel patterns at the temporary site. It is apparent that the appeal site is ideally located in order to encourage trips on foot. The proposed school would be accessible by a frequent public bus service; bus routes 168 and 268 provide access to Hampstead and Belsize Station as part of a multi-modal journey.
- 3.44 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 continuing to put the car-free and walk to school ethos at the forefront of the school ethos.
- 3.45 The school is committed to not using private school buses and encouraging staff, pupils, and parents to use sustainable modes of transport. The school will be aiming to achieve Gold in the TFL Sustainable Travel: Active, Responsible, Safe (STARS).

Servicing and Deliveries

- 3.46 Services and deliveries that are distributed by vehicles will access the site via Downshire Hill.
- 3.47 The majority of the deliveries will be scheduled to take place during the school day to reduce the congestion during peak times. Additionally, for safety reasons services and deliveries will aim to take place whilst the children are in classroom-based lessons.
- 3.48 For further information please refer to the Servicing and Refuse Strategy/Management Plan by Paul Mew Associates.

Refuse

- 3.49 Refuse collection service delivery vehicles will utilise the vehicular entrance off Downshire Hill, although the vehicles would service from the roadside and would not be able to enter the site.
- 3.50 For further information please refer to the Servicing and Refuse Strategy/Management Plan by Paul Mew Associates.

Vehicle and Cycle Parking

- 3.51 A disabled car parking space is to be located on-street by the Rosslyn Hill entrance.
- 3.52 The 28 staff and pupil cycle spaces are located to the rear of the building. There is also space for 18 scooters to be securely left.
- 3.53 There are four long stay spaces proposed within the B1 element of the building, which exceeds the minimum requirements of the London Plan. There are also two Sheffield stands proposed on the footway at the front of the building on Rosslyn Hill, which would provide four short stay cycle parking spaces to serve the site.

Heritage

- 3.54 The site is referred to in the Hampstead Conservation Area Statement as a feature of the Rosslyn Hill and Downshire Hill streetscapes.
- 3.55 The Grade II listing of the building and setting with the Hampstead Conservation Area has informed the design, layout and refurbishment of the site. Consultation with the LBC Heritage Officer and Historic England has influenced the design development of the scheme. Whilst Historic England were consulted on the application, they did not provide comments and were content for the local planning authority to determine the application as they see fit.
- 3.56 The proposal has focused on the preservation and enhancement of the historically significant aspects of the building and site. For example, it is proposed that the modern accretions and additions are stripped back to reinstate as much of the original appearance of the rear as possible.
- 3.57 The proposed development will overall enhance the listed building, and the character and appearance of the conservation area by ensuring both the preservation and enhancement of the majority of the fabric of the building and its accessibility to a broad spectrum of the public. Full justification is provided in the Heritage Statement (JLL, May 2019) and the Heritage Review (JLL, September 2019).

4 The Appeal Case

4.1 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of this appeal is the adopted development plan for the Council. Such legislation states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan is made up 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).

4.2 This chapter sets out the case for the Appeal.

Planning Policy and Other Material Considerations

4.3 The references provided in the decision notice of the planning permission are:

- Emerging Policy S3 of the emerging London Plan December 2017;
- Policies A1 (Managing the impact of development), CC4 (Air quality), 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.

4.4 The references provided in the decision notice of the listed building consent are:

- Policy D2 (Heritage) of the London Borough of Camden Local Plan; and
- Policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan.

4.5 Whilst the Appellant does not agree with the decision of the Council, the reasons for refusal are detailed, clearly worded and specific (with the exception of RFR 1 and the scope of the listed building objection on each of which clarity is being sought from LBC). Given the specificity of the wording of the reasons for refusal, the Appellant is entitled to assume that all of the grounds of objection to the proposed development are included within them and will prepare its witness evidence accordingly.

4.6 The following part of this section considers the reasons for refusals for the planning application and the case for appeal against these reasons.

Reason 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.

4.7 The reason for refusal 1 is currently unclear and ambiguous. The Committee report at paragraph 10.36 sets out “In transport terms, the trip difference between the former police station use based on comparators and the school would be less”. It is not apparent the baseline against which the asserted “increase” in private motor vehicles is being assessed. Without a measured increase in trip generation it unlikely there would be additional traffic congestion or an exacerbation of air pollution. Clarification has been and continues to be sought from LBC.

Private Motor Vehicles

- 4.8 Abacus Belsize Primary School has a ‘Walk to School’ ethos as well as a ‘Car-Free Policy’ and therefore the use of the private motor vehicles for drop-offs/pick-ups goes completely against the school’s philosophy and its practical experience over the years it has been operating.
- 4.9 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.
- 4.10 In December 2014 a ‘hands-up’ travel mode data from the school’s time at the Haverstock Hill temporary site , 500m to the south of the appeal site, 70% of children walked, scooted, or cycled to school, 25% by public transport, and 5% by car. On this basis a full 1FE school with 210 pupils generated 147 total walk/scooter/cycle trips, 53 trips on public transport, and 11 trips by private car in the morning and again in the afternoon peak periods with the school in its temporary location.
- 4.11 On 18th September 2019; given that a new school term had commenced with a new Reception class the school carried out a new ‘hands-up’ travel mode survey to show how children are dropped off at the private bus stop pick-up points within the catchment area. The latest survey information shows that 91% of children walked, scooted, or cycled to the pick-up points, 5% used public transport, and 4% were dropped off by car equating to 8 trips in the morning and again in the afternoon.
- 4.12 The Committee Report at paragraph 10.14 sets out “*The table shows that there is already a very high number of vehicle movements in both directions on Rosslyn Hill/Haverstock Hill during the AM and PM peak periods. The estimated number of trips associated with the school (16 movements) would make up a 1% increase in vehicle movements*”.
- 4.13 The number of students would be capped (secured by condition) at 210 to ensure the proposed development would not result in an increase in private vehicle trips in the future.

- 4.14 In respect to staff, it is anticipated that all staff will either use public transport or walk/cycle on their daily commute to the appeal site. No staff parking is proposed to be provided on-site and parking on-street is heavily controlled therefore this is a wholly reasonable and realistic assumption.
- 4.15 The proposed development might result in a small number of trips by private motor vehicles on Rosslyn Hill.
- 4.16 It must be stressed that school related trips associated with Abacus Belsize Primary School are already present on the network within and around the catchment area. They are not new trips on the network but existing trips by existing residents and their children. These trips will continue to be on the network as they would still have to congregate at the bus collection points to be transported to the Jubilee Waterside Centre in Kings Cross. Given the established nature of Abacus Belsize Primary School and its defined catchment area there would be no 'increase' in vehicle traffic movements in Hampstead or Belsize Park arising from the proposal. Additional private vehicle trips would not materially contribute to an increase in traffic congestion. The total number of vehicle trips associated with the school use of the appeal site would be likely to be lower than those associated with the current location of the school at Jubilee Waterside Centre, so the proposal will not result in additional traffic or air pollution overall.
- 4.17 The Appellant presumes that the Council's reference to an "increase" in trips by private motor vehicles and increased traffic congestion must be based on a measurement against an assumption that the building will remain vacant and never be used for any other purpose again. This is not a rational basis for assessing the impacts of the scheme. The vehicular trips associated with the school use of the building would be lower than any realistic alternative uses of the building if this proposal is not permitted and significantly lower than the former Police station use (see below).

Baseline Traffic Movements

- 4.18 The Metropolitan Police vacated the building in 2013. In terms of establishing the vehicular trips that would have been generated by the former Hampstead Police Station and the magistrate's court when it was fully operational, given that the appeal site has been vacant it has not been possible to carry out a survey of existing traffic movements. The TRAVL (Trip Rate Assessment Valid for London) and TRICS (Trip Rate Information Computer System) traffic databases are the industry standard systems for trip generation analysis. Both the TRAVL and TRICS databases have been interrogated however there is no data available in either database for these specific land use classes.
- 4.19 Department for Education approached the property team at the Metropolitan Police Service for any indicative data on likely vehicle movements but no responses were received.
- 4.20 According to Camden New Journal article (dated 18 June 2014) the Police Station was once staffed by 300 police officers, with a canteen, magistrates' court, and cells with 14 parking spaces provided at the rear. It is therefore a reasonable expectation that the former site use had the potential to generate a significant number of vehicle and person trips throughout a typical weekday and at weekends
- 4.21 At the request Camden's Highways Officer a further transport survey of Kentish Town police station was undertaken on Wednesday 11th September 2019 from 0700-1900 to establish an indicative baseline figure for trip generation from the vacant Hampstead Police Station.

- 4.22 Kentish Town Police Station was surveyed to generate 168 total two-way vehicle trips in a 12 hour period on a typical weekday as well as 169 total two-way vehicle passenger trips and 335 total two-way pedestrian/other modal trips. Full details are contained with the Highways Technical Note to Camden Council (Paul Mew Associates, September 2019).
- 4.23 Kentish Town Police Station measures approximately 2,415m² GIA and is very similar in size to the former Hampstead Police Station building which measures at approximately 2240m² GIA. This data is likely to underestimate the number of vehicle trips that would have been generated by the former Hampstead Police Station and magistrate's court.
- 4.24 Notwithstanding, it is evident that the former site uses would have generated a steady stream of vehicle trips throughout a typical weekday whereas the school will aim to generate zero vehicle trips during the 'school run'.
- 4.25 On this basis the planning application can reasonably be considered to be compliant with Local Plan Policy C2 paragraph 4.33 and Local Plan Policy A1. The first reason for refusal is not justified, or indeed reasonably capable of justification.

Car Parking

- 4.26 Both the school and the B1 office components of the development would be secured as car-free restricting future occupiers from obtaining on-street parking permits.
- 4.27 The existing site has the capacity for 14 off-street car parking spaces within the site. As part of the proposed development, these spaces would be removed and there would be no on-site parking spaces. There would be an area designated for loading and unloading within the site.
- 4.28 The roads adjoining the site are within Camden Council's controlled parking zone (CPZ) 'CA-H' which operates Monday to Saturday from 9am to 8pm. No changes are proposed to allow for parent drop-off at the site.
- 4.29 Policy T2 (Parking and car-free development) highlights the Council's aspiration to limit availability to parking and support car-free developments.

Public Transport

- 4.30 The site has a public transport accessibility level (PTAL) score of 4 which is a 'good' rating as defined by Transport for London (TfL). The proposed location is approximately 550m from Hampstead Underground station, and 650m from Belsize Park station (both Northern Line). There are four TfL bus routes through the school catchment that pass the school or have bus stops nearby, with multiple bus stops along the routes.
- 4.31 The Transport Assessment (Paul Mew Associates, April 2019) at Figure 8 shows 'Bus Routes and Bus Stops in Catchment Area'.
- 4.32 The four different bus route options from the catchment area to the appeal site will help ensure the proposed development is compliant with Policy T1 Prioritising walking, cycling and public transport.

Travel Plan

- 4.33 The school 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'.
- 4.34 For the past three years of Reception admissions from September 2019 no place has been offered to any child outside of catchment. The only exceptions have been for those with an older sibling in the school, 'Looked After Child' (which, in common with every state school, the school accepts regardless of catchment) or the child of a member of staff. The school has been taking admissions for seven years now, so there are still siblings of early pupil intakes that were accepted from outside of the catchment area. By the time the school moves to its permanent site, it is likely that many of these children will have left the school. The percentage of children from catchment is therefore likely to move even closer to 100% by September 2022 when it is projected that the appeal site will be established. Therefore it is reasonable to expect that no children will be dropped off at the new site by car.
- 4.35 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.
- 4.36 A draft Green 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.
- 4.37 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.
- 4.38 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.
- 4.39 The school will actively promote the use of alternative transport modes through its Travel Plan (Paul Mew Associates, May 2019).
- 4.40 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).

Planning Obligations

4.41 The Planning Committee report proposes the following Transport planning obligations to be secured through a S106 agreement.

- Car free development for the school and the B1 use.
- School Travel Plan and associated monitoring and measures contribution of £9,618
- Annual review of the School Travel Plan
- Establish School Travel Plan Review Group to include a local resident representative
- Appoint a local resident representative as a Community Governor
- Servicing Management Plan
- Construction Management Plan and associated implementation support contribution of £7,564.50
- Financial contribution for highways works and Traffic Management Order changes - £22,451.59.
- PCE contribution including for the provision of off-site cycle parking - £51,478.65.

4.42 A draft S106 agreement has been prepared by the Appellant for agreement with LBC.

Air Quality

4.43 An Air Quality Assessment was undertaken by REC dated May 2019. Section 3.2.2 and 5.2.4 considers Road Traffic Exhaust Emissions. Any additional vehicle movements associated with the proposed development will generate exhaust emissions, such as NO₂, PM₁₀ and PM_{2.5} on the local and regional road networks. Paul Mew Associates, the Transport Consultants indicated that the proposals are anticipated to produce a worst-case maximum of 44 trips on the local network per day, comprising of 22 car trips in the school AM peak period (11 arrivals and 11 departures) and 22 car trips in the school PM peak period (11 arrivals and 11 departures). These are existing trips by existing residents that are already accounted for on the road network within the Hampstead and Belsize areas and likely to be considerably fewer than any likely alternative use or the previous use.

4.44 Based on this information, the development will not result in a change of AADT movements of more than 100, produce over 25 HDV movements per day or significantly affect average speeds on the local road network. Additionally, it is unlikely that the proposed development will generate or increase traffic congestion, give rise to a significant change in AADT or peak traffic flows or in vehicle speed, significantly alter the traffic composition on local roads or include significant new car parking. As such, potential air quality impacts associated with operational phase road vehicle exhaust emissions are predicted to be negligible, in accordance with the Environment Protection UK and Institute of Air Quality Management screening criteria shown in Section 3.2.2.

4.45 Additional emissions from traffic generated by the proposed development were assessed against industry screening criteria. This indicated that the impact of these emissions would be considered as not significant.

- 4.46 The potential additional emissions due to traffic generated by the proposal were also assessed against GLA benchmarks. This concluded that the development would be considered air quality neutral and that no further measures are required to offset development emissions.
- 4.47 Monitoring carried out at various locations at the appeal site support the conclusions of the air quality assessment.
- 4.48 The assessment indicates that there would be no unacceptable exposure to air quality on the development or impact on existing air pollution and therefore the impacts are considered not significant and there are no grounds for refusal on air quality issues.

Location and Catchment Area

- 4.49 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).
- 4.50 The extensive site search exercise undertaken by the DfE demonstrates that there are no other suitable, available sites for Abacus Belsize Primary School.
- 4.51 Abacus Belsize Primary School was established by local residents and a group of pioneer parents to address this 'black hole of Belsize' in terms of primary school provision and the choice of a state (non-faith) school amongst independent and faith-based school options. The catchment area was developed in conjunction with LBC's Education team.

Conclusion: Reason for Refusal 1:

- 4.52 The appellant will clearly demonstrate that:
- The proposed relocation of the school nearer to its catchment will be more sustainable than its current location and will reduce the current impacts of journeys to the school by private motor vehicles on traffic congestion and from air pollution. The proposal will not result, compared to the previous use or alternative likely uses, in an increase in trips by private motor vehicles, traffic congestion or exacerbation of air pollution and nor does it fail to prioritise sustainable modes of transport. Overall these impacts would at most be negligible or positive when compared to previous or alternative uses.
 - 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.

- 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. 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 will bring a vacant Grade II* public building back into beneficial community use
- The proposed development and planning application and appeal fully address the requirements of HNP Policy TT1 (Traffic volumes and vehicle size). 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.

Reason for Refusal 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.

Noise

- 4.53 Appendix 3 to the Camden Local Plan 2017 sets out thresholds for various types of noise assessment in terms of the effect levels described in national planning guidance; NOEL, LOAEL, SOAEL. No thresholds are defined specifically covering noise from a school playground, but the criteria for noise from new entertainment sources includes customer noise is considered to be similar in nature to that of a playground, although entertainment noise usually peaks in the more noise sensitive evening period.
- 4.54 Therefore, considering school playground noise against these criteria represents a robust assessment.

Playground

- 4.55 The noise effects arising from the playground for limited times during weekdays during the school terms will result in some noise disturbance, but not an unacceptable one which is significantly to the detriment of neighbour amenity. Further, it is not a factor which is capable of outweighing the public benefits.
- 4.56 The school would only operate Mondays to Fridays with playground use for around 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 days and the weekend playground use would be limited to 4 events a year such as the summer fair or winter festival are planned. There would be no evening use of the playground at all.
- 4.57 Although increased noise levels 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 must be weighed in the planning balance against the considerable public benefits of the proposal which included bringing a vacant Listed Building back into use. 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.

Amenity of Neighbouring Residents

- 4.58 CLP Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours. The policy established it will grant permission for development unless this causes unacceptable harm to amenity.
- 4.59 The proposal would result in a perceived loss of amenity for neighbours and adjoining occupiers however, the level of harm is not considered to be unacceptable. It is appropriate to balance this lesser degree of harm against the broader socio-economic and 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.

Conclusion: Reason for Refusal 2:

The appellant will clearly demonstrate that:

- The proposed development complies with CLP Policy A1 Managing the impact of development. The proposals do not cause unacceptable harm to amenity. Mitigation measures where required have been included to protect the quality of life of neighbouring residents. In accordance with criterion (J) noise and vibration the level of harm is not considered to be unacceptable. It is appropriate to balance this lesser degree of harm against the broader socio-economic and 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.
- CLP Policy A4 Noise and vibration and Camden's Noise and Vibration Thresholds (Appendix 3) establishes LBC will not grant planning permission for development likely to generate unacceptable noise and vibration impacts. This Policy is clearly the appropriate test and threshold to consider noise impacts. This has not been included within the reasons for refusal as the development does not generate unacceptable noise impacts.

Reason for Refusal 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.

Air Quality

4.60 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).

4.61 CC4 (Air quality) of the Camden Local Plan 2017 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.

4.62 Emerging London Plan Policy S3 Education and childcare facilities of the emerging London Plan December 2017 sets out development proposals for education and childcare facilities should “locate entrances and playgrounds away from busy roads, with traffic calming at entrances”. Downshire Hill gates opens for Years Reception, 5 & 6 and siblings (80 children). Front entrance on Rosslyn Hill for Year 1,2,3 & 4.

4.63 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”.

4.64 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”.

4.65 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.

Location

4.66 The proposed development would not expose site users within the building and in the area to be the playground to pollutant levels that exceed annual mean objective levels for pollutants. Pollutant levels at street level building facades on Rosslyn Hill and Downshire Hill do exceed the annual mean objective of 40µg/m³, but the proposed mechanical ventilation would ensure that there is no exposure to such

concentrations in the proposed building at these locations. Pollutant concentrations drop away from near roadside and ground floor locations and at higher levels and other locations at the proposed building façade are expected to be below relevant air quality standards . In the playground area, air quality levels are below the relevant air quality standards.

4.67 In addition it is reasonable to assume that air quality at the location would improve by the school opening year and progressively over time.

Conclusion: Reason for Refusal 3:

4.68 The appellant will clearly demonstrate that:

- The proposed development complies CLP Policy A1 Managing the impact of development ensures that the amenity of communities, occupiers and neighbours is protected. The school will contribute towards strong and successful communities and the proposed development has sought to balance the needs of development with the needs and characteristics of local areas and communities.
- The proposed development complies with CLP Policy CC4 Air Quality. The proposed development is considered to be a sensitive receptor being a school situated in a location of poor air quality however mechanical ventilation has been incorporated into the design in order to mitigate the impact.
- In accordance with Policy S3 of the emerging London Plan December 2017 the development has located entrances and playgrounds away from busy roads.

Listed Building Consent

Heritage

4.69 Listed building (LPA Ref: 2019/2491/L) was refused by notice dated 19 December 2019. The Council 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.

4.70 The reason for refusal 1 is currently unclear and ambiguous. At Planning Committee the LBC concerns regarding loss of plan form and original fabric pertained solely to the Magistrates Court. Clarification is sought from LBC whether this extends to the rest of the police station.

4.71 The appeal proposals are in accordance with CLP Policy D1 and HNP DH2 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 enhance the significance of the grade II listed former Hampstead Police Station.

4.72 Whilst some alterations are proposed to the building, the overall effect of the development is to preserve and enhance the significance of the building and is an entirely appropriate use for the listed building, consistent with its historic use. We note that there are other similar Dixon Butler buildings which have been converted to other uses (following the cessation of their Police use) in a less sensitive manner than the proposed works to the Hampstead Police Station. Reference will be made to these as part of future evidence.

4.73 The Magistrates Court is proposed to be re-purposed for use as a Business and Enterprise Centre. At first floor, this includes the loss of the modern suspended ceiling within the entrance hall, reinstating the space with its original decorative features. This will also involve the loss of some of the court furniture, including the advocates bench, the public gallery and the dock. It is proposed, however, to retain the Magistrates bench so that the original use of the space can be discerned. As part of these works, the wood panelling to the walls will also be refurbished and, where necessary, repaired.

4.74 Paragraph 4.43 of the Heritage Statement (JLL, May 2019) establishes “The courthouse is located within the north-west wing of the building, fronting onto Downshire Hill, and is set over the ground and first floors with associated ancillary storage located within the basement. Due to the important civic nature of this space, the original architectural scheme would have been more elaborate than that of the Police Station, however a series of incremental changes have eroded its completeness through the removal of historic fabric. Also of interest, and largely intact, are the three main circulation spaces which demonstrate how the building would have been used by members of the public, detainees and Magistrates, including other court staff”.

- 4.75 Paragraph 8.18 of the Planning Committee Report sets out “The removal of the Magistrates Court fittings and furniture is disappointing however, the wall panelling and magistrates bench will be retained along with the magistrates doors and private staircase. Officers consider it unreasonable to require the retention of all of these fittings as this would render the premises impossible to use for anything except a courtroom and even then it is questionable whether the current layout would suit a modern court. A condition is recommended that all removed items should be salvaged with a view to incorporating them into the scheme”.
- 4.76 The application proposals seek to reinstate and reinforce the significance of the listed building through a carefully considered scheme of refurbishment. The proposals will enhance the significance of the building through the introduction of a use that is wholly appropriate to the original use, the removal of the rainwater goods and service runs on the rear of the building, the reinstatement of the original route to the magistrates court through the opening up of the staircase and removal of modern ceilings and bringing the building back into a beneficial use.

Conclusion: Listed Building Consent Reason for Refusal 1:

- 4.77 The appellant will clearly demonstrate that:
- The proposed development complies with CLP Policy D2 Heritage and the change of use to a school and limited alterations and extensions to the listed building would not cause substantial harm to the special architectural and historic interest of the building.
 - The proposed development complies with HNP Policy DH2 Conservation areas and listed buildings in that the development proposals seek to protect and/or enhance the Listed building and continue to make a positive contribution to the Conservation Area.
- 4.78 The appellant will demonstrate that even if a conclusion is reached that the proposal causes an element of harm to the listed building (and/or the conservation area) this harm would be less than substantial and will be outweighed by the public benefits of the scheme in accordance with paragraph 196 of the NPPF. These 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 and other material benefits as listed in paragraph 7.9.

5 Representations from Third Parties

Pre-Application Engagement

- 5.1 The project team have been committed to consulting with the local community throughout the design process to help shape the proposed development. Further details are provided in the Statement of Community Involvement which accompanies the planning application.

Workshops

- 5.2 Three workshop sessions were held on 6th, 13th, and 20th March 2018, two in Hampstead and one in Belsize. These sessions sought to re-engage with those organisations which had previously voiced concerns with the previous planning application for the school at the site, which was refused.
- 5.3 These workshops aimed to outline the new thinking and approach behind the plans to develop the site for a school and to seek feedback on the best use of the site and how to ensure the development delivered the best school and opportunity for the local community.
- 5.4 Over the three workshops there were 36 attendees.
- 5.5 In June 2018, two additional follow-up workshop sessions were held with the community. The aim of these workshops were to feedback to local organisations on how the proposals had evolved since the first workshops, based on the comments received. There were 22 attendees over the two workshops.

Public Exhibition

- 5.6 A public exhibition was held over three days from Thursday 4th to Saturday 6th October 2018 across two sites.
- 5.7 8500 leaflets were distributed inviting the local residents to the public exhibition.
- 5.8 Over the three days 225 people attended of which 72 provided responses on the day and a further 66 provided comments on the online survey. The feedback on the scheme was predominately positive.
- 5.9 The key comments that were received from the exhibition was that additional community space was not needed, concern about parents parking and causing congestion, and noise.

Development Management Forum

- 5.10 A Development Management Forum took place on the 30th January 2019 at Pax Lodge, Hampstead. The Forum was attended by approximately 130 people and was hosted by LBC.
- 5.11 The key planning matters for questions focused on:
- Land use: provision of school and its location;

- Transport: construction management, pedestrian and cycling routes, parking, servicing and school travel plan monitoring;
- Amenity of neighbours;
- Design and conservation: height, bulk/massing, appearance, setting of listed buildings; and
- Trees and landscaping.

5.12 A further Developer’s Forum meeting was held on the 25th March 2019 as requested by the local ward councillor. This was hosted by LBC at their offices, and the attendees were made up of 8 local residents, 2 Officers from the LBC, 1 from Abacus, 3 from DfE, 2 from CfBT School Trust and 1 from JLL.

5.13 The key items raised at this meeting were:

- Transport – A key concern was congestion generated by the school. The school will be a car-free school and has agreed that a local resident will be offered a place on the Annual Travel Plan Review Group.
- Future expansion of the school – There were concerns that the school would expand into the proposed Business/Enterprise Space, however due to the description of the permission this space can only be used for business use and any future expansion would require planning permission. The former Police House will be sold off once works for this proposal are complete. The school stated that it had no plans to go beyond a 1FE and the previous 2FE planning application on the Site had been refused.
- Planning Obligations to be secured through a s106 legal agreement:
 - Limiting pupil number to 210;
 - Residents would be on governing board;
 - Construction Management Plan (CMP);
 - Servicing Management Plan (SMP);
 - School Travel Plan; and
 - Car free enforcement.

Key themes of third -party objection not raised in the Council’s reasons for refusal

5.14 A number of points of objection were raised by residents and other third parties which are summarised with officer responses at paragraph 4.0 of the Officer Report. These matters are all addressed in detail in the application documents and in the officer report. A summary with summary responses is as follows:

5.14.1 **Lack of consultation.** Response: consultation was in accordance with the statutory

requirements and the SCI and went beyond the requirements of each (set out above) and attracted 600 consultation responses.

- 5.14.2 **Failure to protect health facilities.** Response: the proposal does not result in the loss of health facilities.
- 5.14.3 **Impact on school places elsewhere and no demand for new school.** Summary Response: the education case and need for a school in this location is set out in full in the evidence and statement of case above. The school is already serving the catchment in Belsize ward and there is otherwise insufficient provision for this ward. The proposal involves moving the school to a suitable location, not a new school.
- 5.14.4 **Impact on trees and bio-diversity.** Response: This is addressed by the ecological appraisal and full Habitats survey. No part of the site has any ecological designation; no notable plants or wildlife were found on the site. Only a small part of the building will be demolished with no impact on bats and no trees will be removed. The school would not generate much light. See officer report section 15.
- 5.14.5 **Basement impact assessment.** Response: No basement is proposed.
- 5.14.6 **Fire safety.** Response: See officer report section 17. The proposal will meet standard BB100, will comply with Building Regulations and no concerns are raised by statutory bodies.
- 5.14.7 **The cost of the school is excessive.** Response: this is not a material planning issue.
- 5.14.8 **Site selection process.** Response: a detailed site selection process was undertaken over a period of years employing professional land agents and this location is the only building identified. Detailed evidence demonstrates this.
- 5.14.9 **Not a community use.** Response: the school is a community use and will be available for other community uses after school (see officer report 7.17).

Determination of the Application

- 5.15 In excess of 600 representations were submitted during the course of the planning application. A number of notes were prepared to clarify matters during determination. A full list of all application documentation- all of which is relied on in the appeal- is provided in Appendix 2. The key matters included:
- Technical Note - Fire Strategy Response;
 - JLL Heritage Review Sept 2019;
 - Paul Mew Highways Technical Note to Camden Council;
 - Paul Mew Highways Rebuttal Statement to the TTP Consulting;
 - Cole Jarman Noise Assessment Revision 1;

- Rapley's Daylight and Sunlight Amenity (Neighbouring) Study;
- Ridge Energy Strategy.

Cross Examination and Discussion to Narrow Areas of Dispute

5.16 At present the London Borough of Camden has not responded to the Appellant's requests to clarify the ambit of its reasons for refusal. At present it is considered that cross examination of members of the planning committee and any witnesses appearing for the council will be required both to clarify what is meant by the reasons for refusal (given that they depart from the officers' recommendations) and on the substance of the three planning reasons for refusal and the heritage reason for refusal and on the planning balance. It is hoped that the precise nature of the objections will be clarified very soon by the Council and in any event through agreement to the statement of common ground.

6 Planning Conditions and Obligations

- 6.1 The parties are currently seeking to agree planning conditions.
- 6.2 The proposed conditions were outlined in the Planning Committee report at Section 23.0.
- 6.3 The proposed condition were set out in the Planning Committee Report with updates provided to the wording in the Supplementary Agenda. In accordance with the Supplementary agenda additional wording is underlined and deletions have been struck through.
- 6.4 The current agreed wording between the Appellant and LBC. The wording on Condition 9 and 10 need to be clarified with LBC prior to the Inquiry commencing. The school is planned to open from 0800 with teaching staff present on-site from 0700. Greater clarity is also sought of the weekday use of the playground.

Conditions: Planning Permission

1.	<p>Three years from the date of this permission This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2.	<p>Approved drawings The development hereby permitted shall be carried out in accordance with the following approved plans: Existing drawings: E - 1732 - 000 A, E - 1732 - 100 C, E - 1732 - 101 C, E - 1732 - 102 C, E - 1732 - 103 C, E - 1732 - 104 C, E - 1732 - 105 C, E - 1732 - 106 B, E - 1732 - 107 B, E - 1732 - 108 B, E - 1732 - 109 B, E - 1732 - 110 B, E - 1732 - 111 B, E - 1732 - 112 D.</p> <p>Proposed drawings: P - 1703 - 252 B, P - 1732 - 301 A, P - 1732 - 302 C, P - 1732 - 304 B, P - 1732 - 305 C, P - 1732 - 307 B, P-1732-9001B,, P - 1732 309 C, P – 1732 – 310 A, Arbtech AIA 01, Arbtech TPP 01, P - 1732 - 001 B, P - 1732 – 100 H, P - 1732 – 101 E, P - 1732 - 102 G, P - 1732 – 103 G, P - 1732 – 104 C, P - 1732 - 105, P - 1732 - 106, P - 1732 - 107, P - 1732 - 108, P - 1732 -200 C, P - 1732 – 201 D, P - 1732 – 202 D, P - 1732 – 203 C, P - 1732 – 204 F, P - 1732 – 250 B, P - 1732 – 251 F, D - 1732 - 100 E, D - 1732 - 101 E, D - 1732 - 102 E, D - 1732 - 103 D, D -1732 – 105A 100P4, 101P5, 102P4, 103P4, 104P4, 300P4, 301P4, 500P4, 501P4, 502P4, 700P4, 5004713-RDG-XX-00-PL-E-0101D, 5004713-RDG-XX-00-PL-E-0201E, 5004713-RDG-XX-00-PL-E-0601C, 5004713-RGF-XX-01-PL-E-0101D, 5004713- RGF-XX-01-PL-E-0201D, 5004713-RDG-XX-01-PL-E-0601C, 5004713-RDG-XX-02- PL-E-0601C, 5004713-RDG-XX-02-PL-E-0101D, 5004713-RDG-XX-02-PL-E-0201D, 5004713-RDG-XX-LG-PL-E-0601C, 500413-RDG-XX-LG-PL-E-0101F, 5004713- RDG-XX-LG-PL-E-0201E, 5004713-RDG-XX-LG-PL-E-0601C, 5004713-RDG-XXRF- PL-E-0101C, 5004713-RDG-XX-RF-PL-ME-8301A, 5004713-RDG-XX-00-PL-M- 4501C, 5004713-RDG-XX-01-PL-M-4501C, 5004713-RDG-XX-02-PL-M-4501C, 5004713-RDG-XX-LG-PL-M-4501C, 5004713-RDG-XX-00-PL-M-4401E, 5004713- RDG-XX-01-PL-M-4401C, 5004713-RDG-XX-02-PL-M-4401C, 5004713-RDG-XXLG- PL-M-4401C, 5004713-RDG-XX-00-PL-M-4101E, 5004713-RDG-XX-01-PL-M-4101C, 5004713-RDG-XX-02-PL-M-4101C, 5004713-RDG-XX-LG-PL-M-4101C, 5004713-RDG-XX-01-PL-M-4301G, 5004713-RDG-XX-02-PL-M-4301F, 5004713- RDG-XX-LG-PL-M-4301F, 5004713-RDG-XX-XX-EL-M-4300B, 5004713-RDG-XX- 00-PL-M-4301G, 5004713-RDG-XX-XX-SC-M-4001F, 5004713-RDG-XX-XX-XX-M- 4301, 5004713-RDG-XX-ST-PL-E-0901A, 5004713-RDG-XX-XX-DT-M-4300A, 5004713-RDG-XX-XX-SM-E-0001B, 5004713-RDG-XX-ST_PL-E-0901.</p> <p>Supporting documents: Design and Access Statement (SA) May 2019, Planning Statement (JLL) May 2019, Statement of Community Involvement (JLL) May 2019, Arboricultural Method Statement (Arbtech) 5 February 2019, Heritage Statement (JLL) March 2019, Stage 3 Structural Report</p>

	<p>(Blue Engineering) May 2019, Window Survey Report Rev. A (Stride Treglown) 15.04.19, Photo Schedule – lower ground floor, ground floor, first floor, second floor, annex, Transport Assessment (Paul Mew Associates) April 2019, Highways Technical Note (Paul Mew Associates) September 2019, Draft Green Travel Plan (Paul Mew Associates) May 2019, Servicing and Refuse Strategy/Management Plan (Paul Mew Associates) April 2019, Air Quality Assessment (Ridge and Partners) May 2019, Air Quality Monitoring Report V2 AQ106285-2 (Rec) June 2019, Planning Noise Assessment 19/0084/R1 Revision 1(Cole Jarman) 25 September 2019, Energy Strategy Report 2.7 (Ridge) 28 October 2019, BREAAAM Pre-Assessment Feasibility Report (Ridge) 6 September 2019, Preliminary Ecological Appraisal Survey 1.3 (Arbtech) 18/04/2019, Draft Construction Management (Paul Mew Associates) May 2019, Community Use Lettings Policy (CfBT Schools Trust) September 2018, Daylight & Sunlight Amenity (Neighbouring) Study (Rapleys) October 2019, Building Services Statement (Ridge) 21st March 2019, Bat Emergence and Re-entry Surveys (Arbtech) 11/07/2019, Technical Note CL5602/dm/21rp (A Jensen Hughes Company) 10th September 2019, Jane Simpson Access 2nd September 2019.</p> <p>BREEAM UK Refurbishment and Fit-out 2014 Pre-assessment (BRE) 06 September 2019.</p>
3.	<p>Detailed drawings/samples</p> <p>Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun <u>and carried out in accordance with the submitted details prior to occupation of the development:</u></p> <p>a) Detailed drawings (at a scale of 1:20) of the extended front steps and the accessible gate, along with the ramp handrail and railings (new railings should match the existing railings) shall be submitted to and approved in writing by the Council before the relevant part of the work is begun.</p> <p>b) A sample of the proposed acoustic timber screen, which should include a galvanised metal grid attached to allow climber plants.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>
4.	<p>New windows</p> <p>All new windows to the main elevations should follow the historic fenestration form with details and typical sections to match existing. Detailed drawings of new external windows shall be submitted to and approved in writing by the Council before the relevant part of the work is begun.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>
5.	<p>External fixtures</p> <p>No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>
6.	<p>Noise</p> <p>The design of the development shall be of such a standard that it will protect residents in adjoining buildings from noise from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq, 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
7.	<p>Acoustic screen</p> <p>The approved acoustic screen shall be erected, retained and maintained in its entirety, <u>in accordance with the details submitted and approved with regards</u></p>

	<p><u>condition 3</u>, prior to the first operation of the school.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
8.	<p>Mechanical ventilation/plant The external noise level emitted from plant, machinery or equipment at the development hereby approved shall meet the minimum green noise criteria set in The Camden Local Plan, Table C at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
9.	<p>Hours of use – school The school shall not operate except between <u>08:00</u> to 18:00 Monday to Friday.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
10.	<p>Weekday use of playground The playground shall not be used for more than 120 minutes per day during the week.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
11.	<p>Weekend use of the playground The playground (not including the external area under the canopy <u>as shown in approved drawing number P-1732-102 G</u>) shall not be used for more than four weekends per year.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
12.	<p>Refuse and recycling Prior to first occupation of the school, the refuse and recycling storage areas as shown on the drawings hereby approved shall be provided and shall be permanently maintained and retained as such thereafter.</p> <p>Reason: To safeguard the amenities of adjoining neighbours in accordance with the requirements of Camden Local Plan policy CC5.</p>
13.	<p>Non-road mobile machinery All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle – with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.</p> <p>Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Camden Local Plan policies A1 and CC4.</p>
14.	<p>Cycle parking Prior to first occupation, the following bicycle parking shall be provided: - 28 CPG Transport compliant long stay cycle spaces for the school - 4 CPG Transport compliant long stay cycle spaces for the B1 office use All such facilities shall thereafter be permanently maintained and retained. Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with Camden Local Plan policies T1 and T2, the London Plan and CPG Transport and policies TT1 and TT2 of the Hampstead Neighbourhood Plan.</p>
15.	<p>210 pupils There shall be no more than 210 pupils attending the school (on the school roll) at any one time.</p>

	Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and to reduce transport impact in line with policies T1, T2 and T3 of the Camden Local Plan and policies TT1 and TT2 of the Hampstead Neighbourhood Plan.
16.	<p>Method statement - bats</p> <p>Prior to commencement of works a method statement for a precautionary working approach to demolition and construction should be submitted to the Local Authority and approved in writing. This shall include approaches to mitigate the impact on bats, including impact of lighting during works. All site operatives must be made aware of the presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the Local Authority. Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity in accordance with policy A3 of the London Borough of Camden Local Plan 2017.</p>
17.	<p>Bird and bat boxes</p> <p>Prior to commencement on the relevant part of the development, a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.</p> <p>Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the London Borough of Camden 2017.</p>
18.	<p><u>Hours of use – community facilities</u></p> <p><u>The school shall not be used by community groups except between 08:00 to 22:00 hours.</u></p> <p><u>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</u></p>
19.	<p><u>Air quality and ventilation</u></p> <p><u>Prior to commencement of above-ground development, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler stack and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</u></p> <p><u>Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.</u></p>
20.	<p><u>Solar PVs – feasibility assessment</u></p> <p><u>Prior to commencement of development other than site clearance & preparation, a feasibility assessment with the aim of maximising the provision of solar photovoltaics should be submitted to the local planning authority and approved in writing.</u></p> <p><u>Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with policy CC2 of the London Borough of Camden Local plan Policies</u></p>

Conditions – Listed Building Consent

1	<p>Three years from the date of this permission</p> <p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and</p>
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	Country Planning Act 1990 (as amended).
2.	<p>Approved drawings The development hereby permitted shall be carried out in accordance with the following approved plans: Existing drawings: E - 1732 - 000 A, E - 1732 - 100 E, E - 1732 - 101 C, E - 1732 - 101 B, E - 1732 - 102 C, E - 1732 - 103 C, E - 1732 - 104 C, E - 1732 - 105 C, E - 1732 - 106 B, E - 1732 - 107 B, E - 1732 - 108 B, E - 1732 - 109 B, E - 1732 - 110 B, E - 1732 - 111 B, E - 1732 - 112 D. Proposed drawings: P - 1703 - 252 B, P - 1732 - 301 A, P - 1732 - 302 C, P - 1732 - 304 B, P - 1732 - 305 C, P - 1732 - 307 B, P - 1732 - 308 A, P - 1732 - 309 C, P - 1732 - 310 A, Arbtech AIA 01, Arbtech TPP 01, DT M 4300 A, EL M 4300 B, EL M 4301, SC M 4001 F, SM E 0001 B, P - 1732 - 001 B, P - 1732 - 100 H, P - 1732 - 101 E, P - 1732 - 102 G, P - 1732 - 103 G, P - 1732 - 104 C, P - 1732 - 105, P - 1732 - 106, P - 1732 - 107, P - 1732 - 108, P - 1732 - 200 C, P - 1732 - 201 D, P - 1732 - 202 D, P - 1732 - 203 C, P - 1732 - 204 F, P - 1732 - 250 B, P - 1732 - 251 D, PL E 0101 F, PL E 0201 E, PL E 0601 D, PL M 4101 E, PL M 4301 F, PL M 4401 E, PL M 4501 C, PL ME 8301 A, PL E 0901 A, D - 1732 - 100 C, D - 1732 - 101 C, D - 1732 - 102 C, D - 1732 - 103 C, L 8696/1 2D, L 8696/2.</p> <p>Supporting documents: Design and Access Statement (SA) May 2019, Planning Statement (JLL) May 2019, Statement of Community Involvement (JLL) May 2019, Arboricultural Method Statement (Arbtech) 5 February 2019, Heritage Statement (JLL) March 2019, Stage 3 Structural Report (Blue Engineering) May 2019, Window Survey Report Rev. A (Stride Treglown) 15.04.19, Photo Schedule – lower ground floor, ground floor, first floor, second floor, annex, 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 (Ridge and Partners) May 2019, Air Quality Monitoring Report V2 AQ106285-2 (Rec) June 2019, Planning Noise Assessment 19/0084/R1 (Cole Jarman) 11 April 2019, Energy Strategy Report (Ridge) 17th April 2019, BREAM Pre-Assessment Feasibility Report (Ridge) April 2019, Preliminary Ecological Appraisal Survey 1.3 (Arbtech) 18/04/2019, Draft Construction Management (Paul Mew Associates) May 2019, Community Use Lettings Policy (CfBT Schools Trust) September 2019, Daylight & Sunlight Amenity (Neighbouring) Study (Rapleys) April 2019, Building Services Statement (Ridge) 21st March 2019, Bat Emergence and Re-entry Surveys (Arbtech) 11/07/2019.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Detailed drawings/samples Detailed drawings (at a scale of 1:20) of the extended front steps and the accessible gate, along with the ramp hand rail and railings (new railings should match the existing railings) shall be submitted to and approved in writing by the Council before the relevant part of the work is begun.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>
4.	<p>Salvaging and retention All removed items shall be salvaged with a view to incorporating them into the scheme. This shall include:</p> <ul style="list-style-type: none"> • The glazed dado tiles • Magistrates' Court fittings and furniture • Two cell doors. • Any doors of architectural interest, along with any associated architraves and door furniture, which are to be removed during the course of this scheme, this should include but is not limited to, doors within the Magistrates Court and public waiting area on the first floor. <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>

5.	<p>Making good All repair and making good to the brick elevations shall be in matching brick, bond and mortar joint detail.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Camden Local Plan policies D1 and D2 and Hampstead Neighbourhood Plan policies DH1 and DH2.</p>
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7 Conclusion

- 7.1 This appeal relates to an application for full planning permission and Listed Building Consent that was submitted to LBC. The description of the appeal scheme is:
- “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.”
- 7.2 Abacus Belsize Primary School is an existing 1FE Free School for Belsize Park for pupils aged 4-11. The school opened in WAC Arts Centre (the Old Town Hall, 213 Haverstock Hill, NW3 4QP) from September 2013 to September 2015. The school is now in its second temporary premises at Jubilee Waterside Centre, 105 Camley St, London N1C 4PF. The current site is no suitable for the long term and as such a permanent site is sought.
- 7.3 The site search commenced following Ministerial approval of Abacus Belsize Primary School in July 2012. 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. 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.
- 7.4 The proposed development has been subject to extensive negotiation with the planning, transport and conservation officers at LBC, and well as local stakeholders. The proposal was recommended for approval by Officers, but was refused by Members at Planning Committee on 14th November 2019.

Does the Proposed Development accord with the statutory Development Plan?

- 7.5 The application is compliant with the relevant policies of the Development Plan. The introduction of an OFSTED ‘Outstanding’, well-designed school into this urban location seeks to widen choice in education. New development in a currently vacant building will inevitably create an increase in pedestrian flows, traffic and create some noise and amenity disturbance for immediate neighbours. These factors are inevitably associated with any school. There is little or no evidence to suggest that any of these increases would create an unacceptable level of harm. There is no reason why, if access to the school is properly managed, it should not co-exist satisfactorily with the neighbouring commercial uses and local residents. The current levels of air pollution have been addressed through mitigation and make the building and playground suitable for use by primary school children.
- 7.6 The proposed development is in accordance with the Council’s policies and with the NPPF. Furthermore, the provision of community uses, especially educational uses are strongly supported by the NPPF, London Plan Policies 3.16 and 3.18 and CLP Policy C2.
- 7.7 The proposed development is in accord with the Council’s policies and with the Framework. Furthermore the provision of community uses, especially educational uses are strongly supported by the NPPF, London Plan Policies 3.16 and 3.18, CLP1 Policy SP5.9 and Policy CS1 of CRUDP.

7.8 Under paragraph 14 of the NPPF, this means granting planning permission without delay. The proposals will deliver choice of school places, a need to which the NPPF places great weight, and that will benefit the local community.

Do Material Considerations outweigh the provisions of the statutory Development Plan?

7.9 The scheme delivers a wide range of planning 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 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 Green 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 appeal 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.

7.10 There are significant material considerations in favour of granting planning permission for the redevelopment of the subject site.

Conclusion

- 7.11 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.
- 7.12 Accordingly, JLL submit the foregoing to this Appeal and respectfully invite the Inspector to accept the evidence and conclusions that permission should be granted.



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