

**STATEMENT OF COMMON GROUND
BETWEEN
THE DEPARTMENT FOR EDUCATION AND ANTHEM SCHOOLS TRUST
AND
LONDON BOROUGH OF CAMDEN**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

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

**Planning Inspectorate reference: APP/X5210/Y/20/3248003 & APP/X5210/W/20/3248002
LPA Reference: Planning permission (2019/2375/P) and Listed Building Consent (2019/2491/L).**

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1. INTRODUCTION

- 1.1 This Statement of Common Ground 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). These appeals are 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.
- 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 application was submitted to LBC on 3 May 2019 and validated on the 14th May 2019. LBC registered the application with reference number for full planning permission (LPA Ref: 2019/2375/P) and Listed Building Consent (LPA Ref: 2019/2491/L).
- 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 The list of drawings and documents submitted with application in May 2019 is contained on the Original Submission Document List. A number of clarifications and amendments were sought by LBC during the determination of the application these are outlined on the Documents Submitted During Determination.
- 1.7 The application was reported to LBC Planning Committee on 14th November 2019 (hereinafter referred to as the ‘Committee’) with an officer recommendation of approval. Members of the Committee considered the application proposal and it was resolved to refuse the planning permission.
- 1.8 The purpose of this statement is to address the areas of common ground between the Appellant and LB Camden. It follows the Planning Inspectorate Procedure Guidance (February 2020) and Part 7, Article 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and sets out the matters of fact and agreed positions between the Appellant and LBC in respect of the appeal.
- 1.9 The parties have worked together to try to narrow down the areas of dispute as far as possible prior to the commencement of the Inquiry. This final SoCG has been agreed and signed between the two parties.

2. RELEVANT PLANNING HISTORY

2.1 This application follows the refusal of planning permission (Ref:2016/1590/P) on 9th August 2016 for a 2FE 420 pupils school and Listed Building Consent (Ref:2016/2042/L). The description of development sought the “*change of use from police station (sui generis) to school (Use Class D1) including the partial demolition and extension to the rear of the Grade II Listed Building and associated works*”.

2.2 The current appeal features a school with half the number of pupils of the refused application being a 1FE (210 pupil) school.

2.3 The substantive reasons for refusal of the previous applications for the 2FE school were considered to be:

i) The scale, bulk, height and detailed design of the proposed rear extension and its harm on the listed building and conservation area

ii) The additional trip generation and traffic congestion

iii) Impact on amenity of neighbouring residents – scale and intensity of use

iv) Failure to demonstrate no impact in terms of air quality

v) Failure to demonstrate no impact on trees

vi) Further amenity reason – noise.

2.4 The exact wording of the refusal of the planning application is listed below:

1. *“The proposed rear extension, by reason of its scale, bulk, height and detailed design would fail to preserve the special architectural and historic interest of the host building and its setting and less than substantially harm its significance (there being an absence of substantial public benefits that outweigh such harm) and fail to preserve or enhance the character or appearance of the Hampstead Conservation Area and harm its significance contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed development due to its scale and intensity of use would by reason of the additional trip generation and traffic congestion have a detrimental impact on the local transport network contrary to CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (The transport implications of development) DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*
3. *The proposed development, by reason of the scale and intensity of use in close proximity of residential accommodation would harm the amenity of neighbouring residents contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework*

Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and Policy DP28 (Noise and vibration).

- 4. In the absence of sufficient information, the applicant has failed to demonstrate that the proposed development would not have a detrimental impact on air quality as a result of the proposal, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development.*
- 5. In the absence of sufficient information the applicant has failed to demonstrate that the proposed development would not have a harmful impact on neighbouring trees, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (securing high quality design) of the London Borough of Camden Local Development Framework Development.*
- 6. In the absence of sufficient information the applicant has failed to demonstrate that the proposed development would not have a detrimental impact on neighbouring amenity in terms of noise as a result of the proposal, contrary to policies CS6 (Managing the impact of growth and development) CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development.*
- 7. The proposed development, in the absence of a legal agreement securing a school travel plan and associated monitoring and administrative costs for a period of 5 years, would fail to promote the use of sustainable means of travel, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.*
- 8. The proposed development, in the absence of a legal agreement securing it as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*
- 9. The proposed development, in the absence of a legal agreement securing a construction management plan and the establishment and operation of a Construction Working Group, would be likely to give rise to conflicts with other road users and would fail to mitigate the impact on the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers*

and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

10. *The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 (walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*
11. *The proposed development, in the absence of a legal agreement securing a sustainability plan, would fail to ensure that the development is designed to take a sustainable and efficient approach to the use of resources, contrary to policies CS13 (tackling climate change) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) and DP23 (water) of the London Borough of Camden Local Development Framework Development Policies.*
12. *The proposed development, in the absence of a legal agreement securing a School Management Plan would fail to ensure that the proposed development would not have a detrimental impact on neighbouring amenity as a result of the proposal, contrary to policies CS6 (Managing the impact of growth and development) CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies”.*

2.5 *The application for listed building consent was refused for two reasons:*

1. *The proposed internal alterations would result in the significant loss of valuable historic fabric which would fail to preserve the special architectural and historic interest of the host building and less than substantially harm its significance (there being an absence of substantial public benefits that outweigh such harm). As such this is contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conservation Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies).*
2. *The proposed rear extension would result in the significant loss of valuable historic fabric which would fail to preserve the special architectural and historic interest of the host building and less than substantially harm its significance (there being an absence of substantial public benefits that outweigh such harm). As such this is contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conservation Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies).*

Pre application discussions

- 2.5 Prior to the submission of the current application, extensive pre-application discussions took place with the Appellant and the LBC between January 2018 and November 2018. A list of pre-application meetings held with the LBC are summarised below in Table 2.1.

Table 2.1 - Summary of the pre-application meeting with LB Camden

Date	Meeting Type	Attendees
18 th January 2018	Pre-application Meeting	LBC (Case Officer, Transport Officer, Heritage Officer, Education Officer), JLL (Planning and Heritage Consultants), Department for Education, Satellite Architects, and PMA (Transport Consultant).
12 th July 2018	Transport Pre-application Meeting	LBC (Transport Officer, Heritage Officer, Education Officer), JLL (Planning and Heritage Consultants), Department for Education, Satellite Architects, PMA (Transport Consultant), Ridge (Project Managers) and Jane Simpson (Access Consultant).
14 th September 2018	Site Visit	LBC (Transport Officer and Heritage Officer), JLL (Planning and Heritage Consultants), Department for Education, Satellite Architects, and Ridge (Project Managers).
28 th October 2018	Pre-application Meeting	LBC (Case Officer and Transport Officer), JLL (Planning Consultants), Department for Education, Satellite Architects, PMA (Transport Consultant), Ridge (Project Managers), Abacus Headteacher, and CfBT Governor.
17 th July 2019	Acoustic Barrier on site Meeting	LBC (Case Officer), Department for Education, JLL (Planning and Heritage), Rapleys LPP (Daylight Sunlight Consultant), Cole Jarman (Noise Consultant), Residents of 50,51, and 52 Downshire Hill.

Pre-application Meeting – 18th January 2018

2.6 An initial pre-application meeting was undertaken at LBC’s offices in January 2018. An overview of the proposals were provided to LBC and the following key comments were made:

- **Site layout and design-** Comments were provided in relation to the amount of play space provision proposed as part of the scheme, the location of the teaching rooms and practicality of the kitchen’s proposed location. It was outlined that in accordance with Policy DP29, the building should seek to meet the highest practicable standards of access and inclusion possible. It was noted that the applicant would appoint an Accessibility Consultant to ensure the proposals were compliant with Policy DP29;
- **Heritage assets-** LBC’s Heritage Officer confirmed that that the school was an appropriate use for the building and provided support towards the removal of the link bridge at the rear of the building. No concerns were raised regarding the refurbishment and use of the former Stable Block to the rear of the site for classroom space;
- **Principle of educational use-** LBC commented on the need for the proposed development given the number of primary schools within the Belsize Park Ward. It was outlined that there was significant demand for Abacus Belsize Primary School even in its current temporary location, with an oversubscription for places and the need to provide choice in education provision for parents; and

- **Transport implication-** LBC's Transport Officer commented on the location of the site in relation to the school's catchment area and the need to understand delivery and servicing arrangements for the site.

Transport Pre-Application Meeting – 12th July 2018

2.7 A transportation meeting took place in July 2018 with LBC's Transport Officer. The main points raised as part of discussions were:

- **Accessibility-** Discussion was had regarding the proposed access to the building and Stable Block. It was confirmed that a design pack showing different access options to the school would be prepared for comment.
- **Deliveries and servicing-** It was agreed by LBC Officers that Rosslyn Hill was the most suitable location for a Blue badge parking space
- **Bicycle storage and scooter parking-** It was confirmed by LBC that cycle stands at the front of the building were acceptable and that the proposed cycle and scooter storage should be separated, where possible.
- **Off-site highway mitigation-** LBC's Transport Officer confirmed that there would be a requirement for Travel Plan monitoring

Pre-application Meeting 28th October 2018

2.8 A second pre-application meeting was undertaken with the Case Officer and Transport Officer at LBC in October 2018. The following key points informed the discussion:

- **Design-** An update to the proposed design was presented to LBC which outlined changes in accessibility proposed at the site following previous discussions with LBC.
- **Noise and residential amenity-** The landscape buffer proposed at the boundary with the residential properties on Downshire Hill was discussed and it was outlined that mitigation would be provided.
- **Business/ enterprise space-** In light of the comments received as part of the public consultation process it was outlined that the previously proposed community space within the Magistrates Court was to be changed to a business/ enterprise (Use Class B1) area. It was confirmed that the application would include the written exclusion of the B1 space from school use, to prevent the school expanding into the space in the future. The Case Officer highlighted that LBC's economic team were supportive of the B1 use in this location.
- **Transport-** Agreement was had regarding the number and type of cycle storage to be provided as part of the proposal and its location. The Transport Officer confirmed that servicing from Downshire Hill was most appropriate and the LBC would place yellow zig-zag markings (no stopping at any time) at the entrance to the school along Rosslyn Hill. It was noted that access to the business/enterprise space would need to be carefully considered and the LBC would undertake the operations to facilitate their preferred amendment to the footpath and highway.

Pre-application Public Engagement

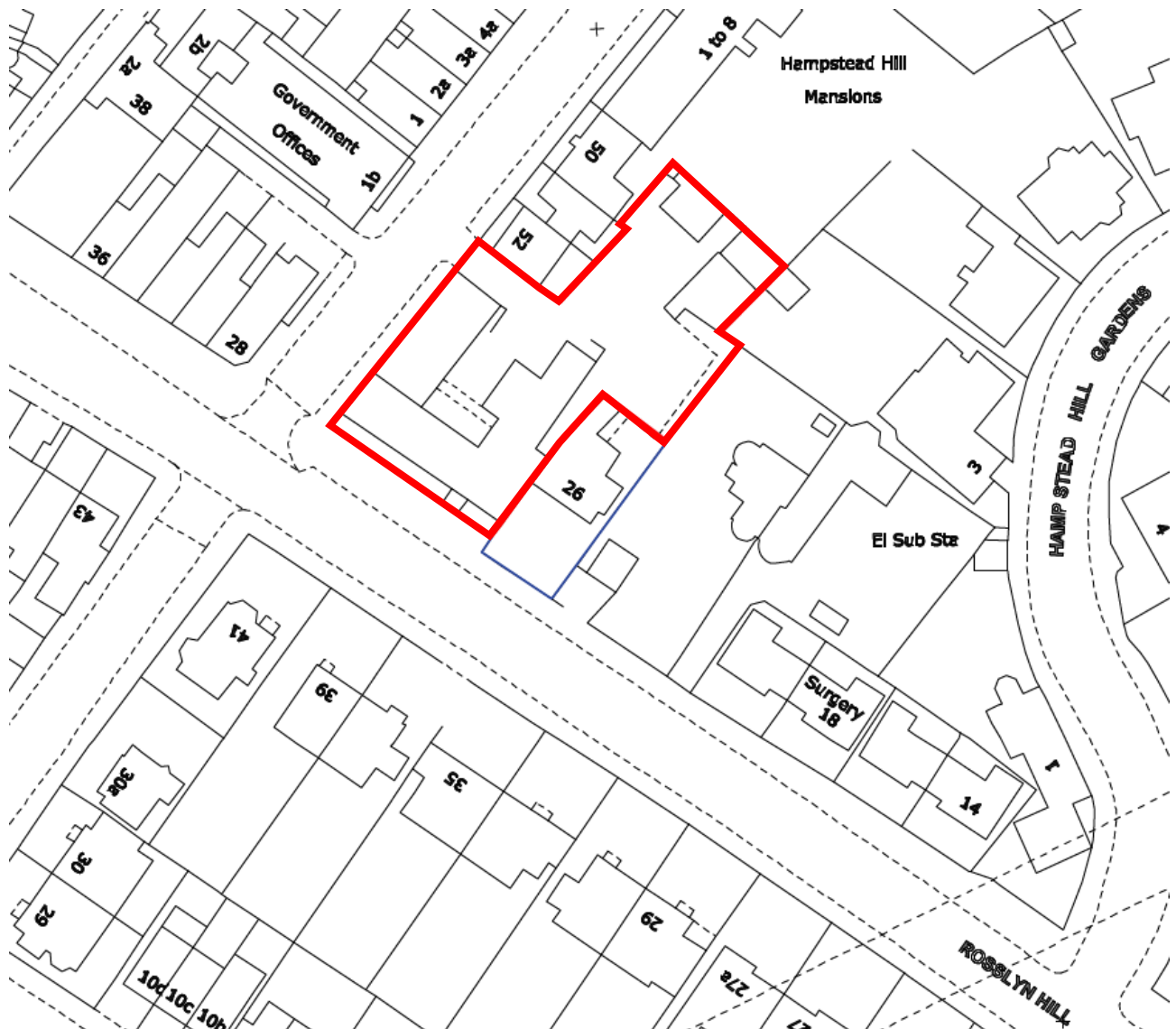
- 2.9 Further to the pre-application meetings with the LBC, it is agreed by both parties that the Appellant undertook pre-application public engagement from March 2018. This included 5 workshops, a three day public exhibition in two locations, and two Development Management Forums.

The Appellant has continued to engage with the residents throughout the determination process with arranging a meeting to discuss the acoustic barrier with residents on 50,51 and 52 Downshire Hill and a site visit for a third party heritage consultant.

Current Planning Application

- 2.10 The applications for planning permission and listed building consent were presented to 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.
- 2.11 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.
- 2.12 Planning permission (LPA Ref: 2019/2375/P) was refused by notice dated 23 December 2019. The LBC stated the following reasons for refusal:
1. *The proposed development by virtue of its use, location and catchment area is likely to result in an increase in trips by private motor vehicles, increased traffic congestion and exacerbating air pollution and would fail to sufficiently prioritise sustainable modes of transport, contrary to policies T1 (Prioritising, walking, cycling and public transport) and C2 (Community facilities) of the Camden Local Plan 2017 and policies TT1 (Traffic volumes and vehicle size) and TT2 (Pedestrian environment) of the Hampstead Neighbourhood Plan.*
 2. *The proposed development, by virtue of the proximity of its outdoor amenity space to neighbouring residential properties would result in an unacceptable increase in noise disturbance to the detriment of the amenity of neighbouring residents contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.*
 3. *The proposed development by virtue of its location on a main road with poor air quality, which could harm the health of pupils, would not be an appropriate location for a school, contrary to policies A1 (Managing the impact of development) and CC4 (Air quality) of the Camden Local Plan 2017 and policy S3 of the emerging London Plan December 2017.*
- 2.13 Listed building consent (LPA Ref: 2019/2491/L) was refused by notice dated 19 December 2019. The LBC stated the following reasons for refusal:
1. *The proposed internal works would result in the loss of plan form and original fabric including the fixtures and fittings of the magistrates court which would fail to preserve the special architectural and historic interest of the host building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan and policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan.*

3. DESCRIPTION OF SITE AND SURROUNDINGS



Application site and surrounding area (not to scale)

- 3.1 The appeal site is the Former Hampstead Police Station at 26 Rosslyn Hill. The building has been vacant since 2013. The freehold of the site was purchased by the Department for Education on 5th June 2014.
- 3.2 The site is located on the north side of Rosslyn Hill at the junction with Downshire Hill.
- 3.3 The former police station is described as sui generis, being a use that does not fall within any defined use class. The building comprises a basement, ground floor and two upper storeys. Due to topographical changes (the site slopes down to the rear), the basement is at ground level at the rear. The building has two wings at the rear and forms a 'U' shape.
- 3.4 The Appeal Site is approximately 0.16 hectares.
- 3.5 The main building is Grade II listed and sits within the Hampstead Conservation Area. It is a red brick building with stone dressings designed by J Dixon Butler (1910-13). Ancillary to the main red brick building is the Stable Block which is curtilage listed to the rear of the

Appeal Site. 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.

- 3.6 The building is referred to in the Hampstead Conservation Area Statement as an imposing feature of the Rosslyn Hill and Downshire Hill streetscape character.
- 3.7 A Victorian residence, 26 Rosslyn Hill immediately abuts the site to the south east and was formerly used by the Metropolitan Police. The residence is physically linked to the Appeal site but does not form part of the appeal.
- 3.8 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.
- 3.9 The main entrance is on Rosslyn Hill, with other entrances including the vehicular entrance on Downshire Hill. The Judges' Chamber area of the Magistrates' Court is accessed off Downshire Hill.

Surrounds

- 3.10 The surrounding area is predominantly residential in character, comprising predominantly of two to three storey Victorian semi-detached properties. There are several listed buildings within the surrounding area.
- 3.11 Adjoining the northern boundary of the site are the rear gardens of residential properties accessed from Downshire Hill. Beyond this, approximately 800 metres to the north-west of the site is Hampstead Heath.
- 3.12 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.

4. PLANNING POLICY FRAMEWORK

4.1 The following national and local policies are relevant to the determination of the Appeal:

National

4.2 National Planning Policy Framework (NPPF) February 2019;

4.3 National Planning Practice Guidance (2019);

4.4 Noise Policy Statement for England (2010);

4.5 Department for Communities and Local Government Policy Statement – Planning for School Development August 2011

Development Plan

4.6 The statutory Development Plan comprises:

- 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).

4.7 The policies in Table 4.1, below, are considered relevant to the consideration of the appeal proposal. The Examination in Public on the London Plan was held between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019. On 9th December 2019, the Mayor informed the Secretary of State of his intention to publish the London Plan and issued the Intend to Publish version. On 13th March 2020 the Secretary of State issued a response requesting the Mayor to suggest alternative changes to the Plan. However, no policies stated below are included within the Annex to the Letter requesting changes. The plan is anticipated to be adopted by the time of the Inquiry.

London Plan (2016)	Draft London Plan - Intend to Publish (2019)	LBC Local Plan (2017)	Hampstead Neighbourhood Plan (2018)
Policy 3.16 (Protection and Enhancement of Social Infrastructure)	Policy GC3 (Creating a healthy city)	Policy G1 (Delivery and location of growth)	Policy DH1 (Design)
Policy 3.18 (Education Facilities)	Policy GG5 (Growing a good economy)	Policy C2 (Community facilities)	Policy DH2 (Conservation areas and listed buildings)
Policy 5.2 (Minimising	Policy D4 (Delivering good design)	Policy C3 (Cultural and	Policy DH3 (The urban realm)

Carbon Dioxide Emissions)		leisure facilities)	
Policy 5.3 (Sustainable Design and Construction)	Policy D5 (Inclusive Design)	Policy C5 (Safety and security)	Policy NE2 (Trees)
Policy 5.7 (Renewable Energy)	Policy D13 (Agent of Change)	Policy C6 (Access for all)	Policy NE4 (Supporting biodiversity)
	Policy D14 (Noise)	Policy E1 (Economic development)	Policy BA3 (Construction management plans)
Policy 6.3 (Assessing Effects of Development on Transport Capacity)	Policy S3 (Education and childcare facilities)	Policy E2 (Employment premises and sites)	Policy TT1 (Traffic volumes)
Policy 6.9 (Cycling)	Policy E1 (Offices)	Policy A1 (Managing the impact of development)	Policy TT2 (Pedestrian environments)
Policy 6.13 (Parking)	Policy E2 (Providing suitable business spaces)	Policy A2 (Open space)	Policy TT3 (Public transport)
Policy 7.1 (Lifetime Neighbourhoods)	Policy HC1 (Heritage conservation and growth)	Policy A3 (Biodiversity)	Policy TT4 (Cycle and car ownership)
Policy 7.4 (Local Character)	Policy S1 (Improving Air Quality)	Policy A4 (Noise and vibration)	Policy HC2 (Community facilities)
Policy 7.6 (Architecture)	Policy T1 (strategic approach to transport)	Policy D1 (Design)	
Policy 7.8 (Heritage Assets and Archaeology)	Policy T2 (Healthy Streets)	Policy D2 (Heritage)	
Policy 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting	Policy T5 (Cycling)	Policy CC1 (Climate change mitigation)	

Appropriate Soundscapes)			
Policy 7.19 (Biodiversity and Access to Nature)	Policy T6 (Car Parking)	Policy CC2 (Adapting climate change)	
Policy 7.21 (Trees and Woodlands)	Policy T6.2 (Office parking)	Policy CC3 (Water and flooding)	
	Policy T7 (Deliveries, servicing and construction)	Policy CC4 (Air quality)	
	Policy GG1 (Building strong and inclusive communities)	Policy CC5 (Waste)	
	Policy GG2 (Making the best use of land)	Policy T1 (Prioritising walking, cycling)	
	Policy D1 (London's form, character and capacity for growth)	Policy T2 (Parking and car free development)	
	Policy D3 (Optimising site capacity through the design – led approach)	Policy T3 (Transport Infrastructure)	

4.8 **Supplementary planning guidance**

- Camden Planning Guidance (CPG) Access to All (March 2019)
- CPG Amenity (March 2018)
- CPG Air Quality (March 2019)
- CPG Biodiversity (March 2018)
- CPG Community uses, leisure and pubs (March 2019)
- CPG Design (March 2019)
- CPG Developers Contribution (March 2019)
- CPG Employment sites and business premises (March 2018)
- CPG Energy efficiency and adaptation (March 2019)
- CPG Transport (2019)
- CPG Trees (2019)
- CPG Water and Flooding (2019)

- CPG Planning for health and wellbeing (March 2018)
- 2018 Annual School Places Planning Process Document
- Camden's Clean Air Action Plan 2019- 2022
- Hampstead Conservation Area Statement 2001

Reasons for Refusal Policies

4.9 The following development plan policies for determining the appeal are those recited in the reasons for refusal as below:

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

5. MATTERS AGREED BETWEEN THE PARTIES

- 5.1 This section of the SoCG sets out those matters which are agreed between the parties and are considered to be material to the determination of the appeal.
- 5.2 Appendix 2 sets out the final submitted drawings and documents (as detailed within the decision notice).

Agreed Key Elements of the Proposed Development

- 5.3 The agreed key elements of the Proposed Development are set out below.
- 5.4 Planning application (2019/2375/P) sought permission for 'Change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works' and listed building consent (2019/2491/L) for 'Change of use of the site from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works'.
- 5.5 The school is intended to operate as a free school for a catchment area within the Belsize Ward. The catchment area constitutes all the roads between Adelaide Road, Finchley Road, Lyndhurst Road, Fitzjohn's Avenue up to Netherhall Gardens and Haverstock Hill (and also incorporating the Aspen Grove estates, Downside Crescent and Lawn Road to the corner of Garnett Road, Garnett Road and Upper Park Road). Admission are on the basis of the straight-line distance measured from the centre of the child's normal residence to the centre of St Peter's Church, Belsize Square, NW3 4HJ. The distance is measured using LBC's computerised mapping system. However, catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.
- 5.6 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 from the centre of school's catchment area. Currently the pupils have to be bussed from two collection points with one on Haverstock Hill opposite the junction with Parkhill Road (NW3 4RR), and another close to Swiss Cottage Leisure Centre (NW3 3NF).
- 5.7 The school is currently open to children from the ages of 4-11 with pupils in each year group. The planning application is not for a new school but for the relocation an existing school.
- 5.8 The school would remain a one-form entry school for 210 pupils and 24 full time equivalent (FTE) staff members. Proposed planning condition 15 seeks to ensure "There shall be no more than 210 pupils attending the school (on the school roll) at any one time".
- 5.9 The proposals involve the provision of 214 sqm of Class B1 employment use which would occupy the former Magistrates' Courtroom at ground and first floor level. This is a physically

separate area with its own access. There is no operator for this space at present. The provision of this space was proposed and supported by LBC officers in pre-application discussions. Furthermore, given the size of this space it would be appropriate for small and medium-sized enterprises (SME's) which are encouraged by Policy E1. The Hampstead Neighbourhood Plan promotes office space on upper floors due to a lack of facilities in the area.

- 5.10 The school facilities would be available for community use after school and at the weekend. The school proposes for the indoor facilities to be open for use until 22:00 Monday to Friday, 18:00 on Saturdays and 17:00 on Sunday and bank holidays. The use of the facilities by the community is encouraged by LBC. A Community Use Plan would be secured via Section 106 planning obligation.

Air Quality

- 5.11 It is agreed between the Appellant and LBC that the following guidance is appropriate for the air quality assessment:

- Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) "*Land-Use Planning & Development Control: Planning for Air Quality*" (2017);
- Defra "*Local Air Quality Management, Technical Guidance, TG16*" (2018);
- Greater London Authority "*The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance*" (2016);
- Air Quality Consultants Ltd in association with ENVIRON UK Ltd's "*Air Quality Neutral Planning Support: GLA 80371*" (2014);
- Greater London Authority's "*London Local Air Quality Management Technical Guidance*" (2016); and
- London Council's London Councils "*Air Quality and Planning Guidance*" (2007).

- 5.12 Both parties agree that the site is located within the LBC Air Quality Management Area.

- 5.13 It is further agreed that the six locations around the appeal site and the Camden Kerbside Automatic Monitoring Station were appropriate for the monitoring undertaken.

- 5.14 It is agreed that air quality impacts during construction can be controlled with appropriate mitigation measures in a Construction Management Plan.

- 5.15 Both parties agree that the ADMS-Roads model is a suitable tool for the air quality modelling and the input data used are appropriate.

- 5.16 It is agreed by the Appellant and LBC that concentrations will not exceed the 1 hour mean Air Quality Objective for NO₂ across the development site.

- 5.17 It is agreed between the Appellant and LBC that a Construction Management Plan will be submitted prior to commencement to reduce potential impacts from the construction phase.

Transport

- 5.18 A previous application (LPA Ref: 2016/2042/L) for a 2FE (420 pupil) school was refused on the grounds of additional trip generation and traffic congestion. The current appeal features a school with half the number of pupils of the refused application being a 1FE (210 pupil) school.

- 5.19 Both parties agree that the application site has a Public Transport Access Level (PTAL) score of 4 which is a 'good' rating as defined by Transport for London. The appeal site is approximately 550m from Hampstead Underground station and 650m from Belsize Park station. 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.
- 5.20 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 a single bay designated for loading and unloading within the site.
- 5.21 The roads adjoining the site are within LBC's controlled parking zone (CPZ) 'CA-H' which operates Monday to Saturday from 9am to 8pm.
- 5.22 It is agreed that there are 32 long stay cycle spaces on site and 4 short stay cycle space on Rosslyn Hill. The long stay spaces consist of 28 long stay cycle parking spaces for pupils and staff of the school, 18 scooter spaces, and 4 long stay cycle spaces for the local enterprise/business space.
- 5.23 It is common ground between the Appellant and LBC that the site has been vacant since 2013 and the historic use was a police station.
- 5.24 It would not be appropriate to use a vacant building as a nil baseline for measuring transport impact.
- 5.25 It is agreed between the parties that there is no data available on either TRAVL (Trip Rate Assessment Valid for London) and TRICS (Trip Rate Information Computer System) traffic databases for Police Stations or Magistrates' Courts.
- 5.26 The Appellant agreed to undertake an additional transport survey of Kentish Town police station which was undertaken on Wednesday 11th September 2019 from 0700-1900.
- 5.27 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.

Noise

- 5.28 It is agreed between the Appellant and LBC that the methodology employed in the assessment of the noise at the proposed development follows best practice and appropriate methodology.
- 5.29 Noise measurements were undertaken of the Abacus pupils playing at the temporary school site; Jubilee Waterside Centre, 105 Camley St, London N1C 4PF between 12:15 hours and 13:45 hours on 19th March 2019.
- 5.30 The National Planning Policy Framework (NPPF), Noise Policy Statement for England (NPSE) and Planning Practice Guidance (PPG) set out current national planning guidance which is relevant to assessing potential noise impacts associated with development.
- 5.31 The potential noise impact of a proposed development should be quantified to determine where it falls in relation to the Significant Observed Adverse Effect Level (SOAEL), the Lowest Observed Adverse Effect Level (LOAEL) and the No Observed Effect Level

(NOEL). The aims are to mitigate and reduce to a minimum adverse noise impacts to avoid significant adverse effects occurring and to prevent unacceptable effects occurring.

- 5.32 The July 2019 National Planning Practice Guidance (NPPG) on noise cautions against rigidly applying fixed noise standards. For Local Plans (para [007]) it advises:

“Plans may include specific standards to apply to various forms of proposed development and locations in their area. Care should be taken, however, to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed.”

- 5.33 The NPPG also advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected (see NPPG para.[006]). There are no specific objective universal noise-based measures or values that define when the "significant observed adverse noise level" applicable to all sources of noise is crossed (see NPSE para.2.22, and none are prescribed in the NPPF or the PPG). NPSE para 2.2 advises "SOAEL is likely to be different for different noise sources, for different receptors and at different times" the impact on those affected will depend on how various factors combine in any particular situation (See NPPG para.[006]). However, the NPPG (see para [005]) provides a qualitative description of "How can it be established whether noise is likely to be a concern" including a table summarising a noise exposure hierarchy in subjective terms which applies to all noise sources in any situation, including in this case.
- 5.34 There are no recognised national technical standards or guidance for noise from schools or children in playgrounds. Appendix 3 to the Camden Local Plan 2017 sets out thresholds for various types of noise sources in terms of the various effect levels described in national planning guidance; NOEL, LOAEL, SOAEL. Noise from schools or from children in a playground are not one of the identified sources in Appendix 3.
- 5.35 On 17th July 2019 a meeting was held on site with LBC and residents of neighbouring buildings to discuss the planning application and noise mitigation measures originally proposed. Initially, 4m tall acoustic screens were proposed to the appeal site boundaries shared with properties on Downshire Hill. Residents of the properties at 50, 51 and 52 Downshire Hill raised concerns about the height and extent of the proposed acoustic screens, and the effect they would have on visual amenity.
- 5.36 In discussion with LBC officers the noise mitigation measures were subsequently amended taking the neighbouring residents concerns into account and amended proposals were submitted to LBC along with supporting technical reports on Noise and Sunlight Daylight.
- 5.37 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.
- 5.38 In regard to the impact on the school users, it is common ground between the Appellant and LBC that ambient noise levels within the proposed playground area and noise levels within the school premises (with the applicants proposed sound insulation measures in place) will meet appropriate guideline values as described in BB93 (Department for Education BB93: acoustic design of schools - performance standards (2015)). It is also common ground between the Appellant and LBC that control of noise levels within the proposed school buildings due to external noise intrusion would be covered by Building Control under Part E of the Building Regulations.
- 5.39 It is common ground between the Appellant and LBC that mechanical services plant noise should be designed and installed to meet the minimum green noise criteria set in The Camden Local Plan, Table C at the nearest and/or most affected noise sensitive premises.

Heritage

The former Police Station and Courthouse was included on the statutory list of buildings of special architectural or historic interest at grade II on 13th August 1998 and, updated on 14th February 2018. The list entry description (list entry number 1130397) states that the former Hampstead Police Station and Courthouse, including stable and harness room, railings and lamps, is listed at Grade II.

Access

- 5.40 LBC acknowledge that the use of the building would require alterations to improve accessibility, given the existing stepped accesses.

Rear Elevation

- 5.41 It is common ground that the current application retains the historic external envelope, removes later ad hoc excrescences and repairs damaged fabric. The school entrance/playground canopy is proposed and has been designed so that it will not touch the historic rear elevation rather it will sit within the three-sided courtyard without being attached to the listed fabric. At lower ground floor level to the rear, the proposed school entrance including the glazed canopy, will not be visible in long views of the listed building from the wider conservation area.
- 5.42 Therefore, this is not considered to exert negative visual impact on the setting of the listed building nor on the character or appearance of the conservation area. The canopy is considered a reversible introduction.
- 5.43 A small double height extension of some 19 sqm is proposed to provide a regularly shaped school hall. This small extension will replace the link between the original cell block and the magistrates court. It will be constructed in brick to match the existing building.

Summary

- 5.44 Paragraph 20.3 of the Planning Committee Report sets out "*The proposals remove some historic fabric, which results in minor harm; however, it also allows for the retention of the areas and fabric of significance and indeed enhance the retained historic fabric in a positive and appropriate manner. Maintaining the civic character of the building is considered positive in heritage terms. The applications are supported in terms of the heritage benefit and for the potential future viable use of these interesting buildings for the public benefit*".

Energy

- 5.45 The proposals reuse an existing building. The overall 68% carbon reduction, compared to the existing building, exceeds the minimum 35% reduction target. The revised Energy Strategy report includes Air Source Heat Pumps which should achieve an 11% reduction in carbon emissions from renewables. The revised BREEAM pre assessment rating of 'Very Good' is acceptable for the refurbishment of a listed building.
- 5.46 A section 106 obligation is proposed to ensure that the energy and sustainability targets are met and a Planning Condition is proposed to explore the feasibility of photovoltaics on the roof.

Ecology

- 5.47 It is common ground between the Appellant and LBC that the impact on bats and biodiversity is considered acceptable subject to conditions on precautionary working and bird and bat boxes.

Trees

- 5.48 It is common ground between the Appellant and LBC that there would be no impact on trees.

6. CONDITIONS

- 6.1 The parties are currently seeking to agree planning conditions.
- 6.2 The agreed wording of the conditions will be confirmed prior to the Inquiry commencing.
- 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-</p>

	<p>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 (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. 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.</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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.</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>

	Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.
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 interior of the building, so that they are not exposed to noise levels indoors with windows open of more than 35 dB LAeq, 1 hr between 0700 and 2300 hrs, and LAeq, 15 min 30 dBA or LAmax 45 dB between 2300 and 0700 hrs .</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, in accordance with the details submitted and approved with regards <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</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>Prior to first occupation of the school, the refuse and recycling storage areas as</p>

	<p>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 policy CC5 of the London Borough of Camden Local Plan 2017.</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 policies A1 and CC4 of the London Borough of Camden Local Plan 2017.</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 policies T1 and T2 of the London Borough of Camden Local Plan 2017 and policies TT1 and TT2 of the Hampstead Neighbourhood Plan 2018.</p>
15.	<p>210 pupils There shall be no more than 210 pupils attending the school (on the school roll) at any one time. 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 2017 and policies TT1 and TT2 of the Hampstead Neighbourhood Plan 2018.</p>
16.	<p>Method statement - bats 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.</p> <p>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 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>

	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 Local Plan 2017.
18.	Hours of use – community facilities The school shall not be used by community groups except between 08:00 to 22:00 hours. 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.
19.	Air quality and ventilation 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. Reason: To protect the amenity of residents in accordance with Policy CC4 of the London Borough of Camden Local Plan 2017.
20.	Solar PVs – feasibility assessment 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. 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 2017,

Conditions – Listed Building Consent

1 .	Three years from the date of this permission This development must be begun not later than three years from the date of this permission. Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
2.	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. Supporting documents: Design and Access Statement (SA) May 2019, Planning

	<p>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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.</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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.</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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.</p>

7. SECTION 106 PLANNING OBLIGATIONS

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

Land use

- Community Use Plan for the school facilities

Energy and sustainability

- Sustainability and energy measures for the whole development in accordance with approved statements

Transport

- 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.

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

8. MATTERS NOT IN AGREEMENT BETWEEN THE PARTIES

8.1 The principal matters which remain in dispute between the two parties are:

Transport

8.2 The Appellant and LBC do not agree on the baseline again which the “increase” in private motor vehicles is being assessed.

8.3 The appellant considered that 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. It is not reasonable to assess the proposed development against a vacant baseline with no transport movements.

8.4 The Council do not consider that the baseline proposed by the appellant is a valid comparison. The Council considers that evidence suggests that the Kentish Town Police station was and is significantly busier than the Hampstead Police station ever was.

Mode Split

8.5 The Appellant and LBC do not agree on the predicted number of trips by private motor vehicles to arise from the school.

8.6 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 vehicle in the morning and again in the afternoon peak periods with the school in its temporary location at WAC Arts Centre (the Old Town Hall, 213 Haverstock Hill, NW3 4QP).

8.7 Paul Mew Associates set out in Transport Assessment (May 2018) 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).

8.8 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.

8.9 The Council do not consider that the hands up survey will be representative of the mode split at the new location.

8.10 The Council have assessed all the schools in the Hampstead area and 4% car mode is well below the average.

Travel Plan

- 8.11 LBC maintain that the school will fail to sufficiently prioritise sustainable modes of transport. The appellant has established that Abacus Belsize Primary School is committed to ensuring all trips are done by active and sustainable modes of travel.
- 8.12 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.
- 8.13 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.
- 8.14 The Council is concerned whether there is a guarantee of compliance.

Location

- 8.15 LBC and third party representors maintain that there are suitable alternative sites within the catchment area to accommodate the school.
- 8.16 The appellant has undertaken an 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.
- 8.17 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).

Noise

- 8.18 The Appellant and LBC do not agree on the issue as to whether or not the development would cause an unacceptable increase in noise disturbance to the detriment of the amenity of neighbouring residents.
- 8.19 Mitigation measures where required have been included to protect the quality of life of neighbouring residents. However, the Council do not agree with the appellant that in accordance with criterion CLP Policy A1 Criteria (J) noise and vibration the level of harm after mitigation is applied is not unacceptable. It is appropriate to balance the degree of harm against the broader socio-economic and public benefits of the school for those attending it and the community as a whole.
- 8.20 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 an appropriate test for those noises that fall within its scope, but the thresholds of Appendix 3 are not suitable for the evaluation of the impacts of this type of noise, in this case. Furthermore, the Council are cognisant of the advice in the National Planning Practice Guidance that "Plans may include specific standards to apply to various forms of proposed development and locations in their area. Care should be taken, however, to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed."; and that

there is nothing in the NPPG to say that any “variation” the Council may apply to any specific standard must be to relax the required degree of control or apply any particular standard outside of its intended scope.

- 8.21 The Council are concerned that the methodology used by the appellant to derive predictions of the noise from the playground may have underestimated the levels likely in nearby gardens and amenity spaces, and at the facades of residential premises. Also, that the appellant’s noise report potentially overestimates the benefit of a boundary noise barrier. In addition, it is considered that the criteria used to assess the impact of the noise from the playground are not suitable for the nature and character of this type of noise. The appellant’s noise report does not consider the impact of noise from the school on increasing noise levels at and within noise sensitive premises. Neither does it take account of the type of noise source or the nature of the change, or how any of a range of qualitative factors recognised as influencing the impact of noise, might involve the assessment of the effects of changes in the local soundscape due to introduction of noise from the playground and the increase in road traffic. This substantially undermines confidence in the outcomes of the appellant’s noise assessment. In particular, the assessment does not consider how the nature of the noise source, the frequency of occurrence and the spectral characteristics may influence the subjective impact of the noise from the play area on the acoustic character of the area and any subsequent impact on the quality of life of those living nearby. Furthermore, the appellant’s approach to noise relies on nearby residents keeping their windows closed to mitigate noise from the playground down to what they regard as acceptable levels inside residential; notwithstanding the inconvenience of having to do this it raises serious issues around ventilation and control of overheating in the affected dwellings.
- 8.22 The Council do not agree that the scheme’s will deliver public benefits which outweigh the harm to the amenity of neighbouring residents.

Air Quality


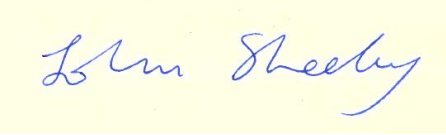
- 8.23 Camden UDP Deposit Draft 2003 Appendix 7 - Road hierarchy establishes that Rosslyn Hill is not considered a strategic road and doesn’t form part of the Transport for London Road Network (TLRN) or a Priority (Red) Routes.
- 8.24 Rosslyn Hill would be considered one of the London Distributor Roads which provide links to the Transport for London Road Network and are for journeys between boroughs and access to town centres, and are part of the main bus routes.
- 8.25 The Appellant states that it has clearly established that air quality is not considered a constraint to planning permission for the proposed development. However, this is rejected by the Council. The applicant’s own air quality report notes that the UK Objective for annual mean nitrogen dioxide concentrations is exceeded at the lower floors at the front of the building. The same report considers that concentrations are lower at the higher levels of the building but this conclusion is uncertain given the modelling cannot take into account the complex dispersion of pollutants in a built up urban area.
- 8.26 **Heritage**
- 8.27 The Appellant and LBC do not agree on the issues as to whether or not the development would cause unacceptable harm to the listed building.
- 8.28 The Appellant states that the reason for refusal 1 is currently unclear and ambiguous. The LBC have articulated concerns regarding loss of plan form and original fabric pertaining

solely to the Magistrates Court. The wording of the reason for refusal implies this related to the entirety of the building. Clarification is sought from LBC.

- 8.29 The Council considers that the RFR mentions plan form and fabric generally, and then says particularly in the magistrates' court. The Council is concerned as to whether the proposed loss of original fabric would fail to preserve the special architectural and historic interest of the host building and less than substantially harm its significance without there being sufficient public benefit to outweigh such harm.
- 8.30 The Council considers that the proposals will cause significant loss of fabric and plan form throughout the building, and will be particularly harmful in the courtroom, which retains its original layout and furnishings, which will be lost.
- 8.31 The Council consider that the proposed use will require substantial internal alterations; the removal of later accretions is not per se a heritage benefit (see above); other less harmful beneficial uses are possible and should be considered.
- 8.32 The appellant will demonstrate the proposals will preserve enhance the significance of the building through the introduction of a use that is wholly appropriate to the building's 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.

DECLARATION

9.1 The above matters have been agreed by the Appellant and LB Camden:-

<p>Signed on behalf of the Appellant:</p>  <p>Tim Byrne Director JLL Planning, Development & Heritage on behalf of THE DEPARTMENT FOR EDUCATION AND ANTHEM SCHOOLS TRUST</p>	<p>Signed on behalf of LB Camden:</p>  <p>John Sheehy Senior Planner On behalf of the London Borough of Camden</p>
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