

Abacus Belsize Primary School

Heritage Review

September 2019

This note has been prepared by JLL Heritage in response to comments raised during the course of determination of the proposals for the redevelopment of the former Hampstead Police Station for use as a 1FE entry primary school. This note provides a response to comments received from the Council’s Conservation Officer, and from Asset Heritage Consulting (AHC) on behalf of the Hampstead Community for Responsible Development (HCRD). We address the matters raised below.

Council’s Conservation Officer

The application proposals have been subject to extensive discussions with the Council’s Conservation Officer. The submitted proposals are the product of a close working relationship which has focussed on defining those elements that contribute to the significance of the listed building and balancing the need to upgrade and improve the building to accommodate alternative uses. The table below provides the comments received from the Council, and our response.

LBC Comment	Response
Given the various site levels it would be helpful to have sections showing the proposed demolition rather than just the structural sections.	Sections have been provided as additional information
Ground floor - there is considerable demolition proposed some in areas where new partitions are proposed and for which there does not appear to be reasonable justification.	The proposed drawings have been revised to retain walls where possible. This has led to the slight reconfiguration of rooms.
The front elevation to Rosslyn Hill ramp and extended front steps. Details of the extended front steps and the accessible gate are required along with the ramp hand rail and railings which should be to match existing characterful traditional Dixon Butler design.	We suggest that the details of this should be subject of a condition attached to any future permission/consent.
The glazed dado tiles from areas agreed for demolition should be salvaged and reused for repairs and making good.	We suggest that the details of this should be subject of a condition attached to any future permission/consent.
Any doors of architectural interest, along with any associated architraves and door furniture, which are to be removed during the course of this scheme, should be salvaged and relocated within the building. The doors within the public waiting area on the first floor are sensitive and should be retained.	The proposed plans have been amended to retain the walls and doors within the public waiting area on the first floor.
The removal of the walls to the public waiting area on the first floor – this needs to be considered in terms of retaining the decorative moulding and other detailing/downstands and nibs to be incorporated.	The proposed plans have been amended to retain the walls and doors within the public waiting area on the first floor.

LBC Comment	Response
The primary stair encased by a new timber covering ensures the stair is retained while complying with building control and educational requirements. This could be acceptable.	Agreed. This was a matter discussed during pre-application discussions and addresses the need to adapt the staircase to accommodate alternative uses.
The removal of the wall, which currently cuts through the main stair to the Courthouse, will reinstate the important entrance space from Downshire Hill. This is welcome however the timber inner screen to this entrance should be retained – it may be relocated further into the floor plan to allow full use and appreciation of this space.	The timber screen cannot be retained in situ as it would be a barrier to providing an accessible entrance from Downshire Hill to the Enterprise Centre.
The terrazzo floor – confirmation that this is to be retained is needed. The lack of demolition sections leaves this unclear.	The terrazzo floor will be retained. This will be clear on the proposed sections.
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. All removed items should be salvaged with a view to incorporating them into the scheme.	The drawings have been updated to show the retention of the magistrates court bench. We suggest that the salvage of removed items should be subject of a condition attached to any future permission/consent.
The cells are proposed for demolition however after some discussion the proposal now involves the retention of two cells and associated doors as secure storage and this is welcome. (Apparently - although I cant find them on the plans- this needs confirmation).	The cells cannot be retained as this area needs to be remodelled to allow for the large hall. The proposals do, however, retain two of the cell doors elsewhere within the building.
The demolition of the flue stack on the 1st, 2nd floor level – needs more details	The details of the removal of the flue stack are provided in the submitted Structural Report.
All repair and making good to the brick elevations to be in matching brick, bond and mortar joint detail.	We suggest that this should be subject of a condition attached to any future permission/consent.
All new windows to the main elevations to follow the historic fenestration form with details and typical sections to match existing.	We suggest that this should be subject of a condition attached to any future permission/consent.

In concluding on the proposals, the Council’s Conservation Officer notes:

“The level of harm identified is not in my opinion substantial, but rather it is less than substantial. This less than substantial harm includes the loss of areas of internal masonry, parts of the floor plan and original room layouts along with changes to the subordinate annex. This scheme also involves the introduction of services and many changes to the way the building is used. Collectively however these changes represent less than substantial harm and are considered to be outweighed by the considerable public benefit – the community use and school use will allow far greater public accessibility and wider heritage benefit allowing users and visitors to the building greater appreciation of the listed former Police Station”.

Asset Heritage Consulting on behalf of the Hampstead Community for Responsible Development (HCRD)

Validity of Response

It must be noted that, importantly, the response from Asset Heritage Consulting is not based on a review of the actual building fabric, nor does it benefit from a site visit to the understand the interior of the building and the contribution that it makes to the listed building. Instead, the response relies on a desk based exercise which limits the validity of the comments raised. On this basis, the comments raised should only be given very limited weight.

Points of Clarification

We note that the AHC response suggests that the list description was reviewed by Historic England as a result of their involvement in the consultation on the 2016 proposals. This is incorrect. The review of the list description by Historic England was undertaken at the request of the Department for Education under the Enhanced Advisory Service. The DfE requested this to clarify the significance of the listed building and identify those elements that contribute to significance.

It must also be noted that the 1998 list description, contrary to the AHC response, is non-statutory and was used for identification purposes only.

The effect on the listed building

We note that AHC provide comments on the effect of the proposed internal works on the significance of the listed building. We must reiterate that these comments are provided without the benefit of the internal inspection of the building. This limits the validity of the comments made.

The application proposals have been developed in close collaboration with the Council's Conservation and Design Officer, Antonia Powell. This involved early engagement to solely discuss the significance of the listed building. This early engagement did not involve discussion of any drawings or any proposals and solely considered the significance of the listed building as a means to inform design development.

Front steps and accessibility for all – the application proposals involve the relocation of the front steps (to Rosslyn Hill) to provide sufficient landing space for a new accessible entrance from street level in to the building. AHC consider that both alterations will harm the careful composition of the façade, creating an unwelcome degree of clutter on the front elevation. This is wholly incorrect and demonstrates a fundamental misunderstanding of the proposals. The amendments to the Rosslyn Hill elevation will not affect the ability to appreciate the original composition on the principal elevation with the key architectural features remaining discernible. The proposed ramp has been designed to have a limited effect on the significance of the listed building whilst being able to provide accessibility for all to the building, a significant benefit and a matter which AHC would appear to completely disregard.

Police Station stair – AHC contend that the enclosure of the balusters and railing to the Police Station stair would detract from the significance of the listed building. The enclosure of the stair is a requirement to comply with modern health and safety requirements. The existing railings are inappropriate for a primary school as a result of the gaps between horizontal elements. The proposals retain the railing and baluster in situ but will provide a design response that reflects the nature of the use of the building. This is a situation that is not just unique to the propose school use, but would be required as part of any other potential use of the building.

Magistrates Court Room – It is considered by AHC that the loss of furniture from the Magistrates Court (with the exception of the Magistrates bench) would affect the ability to appreciate the original workings of the space and

the essence of the space. This is not true. There would be some loss of fabric (which is not all of historic interest but has been subject to modern intervention) but the retention of the Magistrates Bench would retain an ability to appreciate the original use of the space. The retention of all the fabric within the space (as it would appear that AHC are suggesting) would leave a space that has an extremely limited use. Instead, the application proposals would allow for the space to be adaptable to use and, importantly, retain public access. The AHC suggestion of retaining the Magistrates Court as a resource for pupils to learn about the British legal system. This is a perfectly laudable suggestion, but limits the use of the space to a very small minority and limits wider public accessibility. This further undermines the intention of the application to seek to reinstate the Magistrates Court element of the building (which forms part of the original design intent by Dixon Butler).

Other matters

AHC stray on to other matters, which are beyond the professional experience of the author. Comments are provided on the traffic generated by the application proposals which are contrary to the stated aims of the school and, importantly, the expert evidence provided by a fully qualified transport consultant in support of the application proposals. Instead, the response makes assertions on the effects arising from the proposals which are completely unfounded and have no merit whatsoever. Such comments should be completely disregarded.

AHC Conclusions

AHC conclude that the application proposals would cause ‘substantial harm’ to the significance of the listed building. Such conclusions are unfounded and do not reflect clarifications provided by legal case law.

National Planning Guidance (updated 2014) provides clear and unambiguous advice on how decision makers should identify whether harm to a heritage asset is substantial or less than substantial for the purposes of the NPPF. It states that:

*“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, **substantial harm is a high test, so it may not arise in many cases.** For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact **seriously affects a key element of its special architectural or historic interest**”.*

The NPPG goes on further to state that:

“While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all”.

Historic England have also produced guidance on assessing the level of harm to be attributed to proposed works which are considered to harm a heritage asset. The *Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision Taking* (Historic England, 2017) identifies, similar to the NPPF, that substantial harm is a high test which may not arise in many cases.

When ascertaining the perceived level of harm to a heritage asset, recent case law has provided clarification regarding the interpretation of the legislation and guidance relating to assessing the degree of harm. The most relevant case is the *'Bedford case'* as set out below which was decided at the High Court.

The degree of harm caused by demolition of an unlisted building within a conservation area was considered in the Bedford case at the High Court. This case is relevant to the consideration of all potential heritage effects. Mr Justice Jay agreed with the Inspector that *'for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away'* and that:

*'One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was **either vitiated altogether or very much reduced**'.*

This test is, essentially, that should the proposals go ahead, would the significance of the heritage asset (in this case the listed building) be so compromised to suggest that the heritage asset (the listed building) should be de-designated, that is, to delist the listed building. This would simply not be the case. The exterior of the building (which is a key element of significance) would remain discernible and retain sufficient significance to continue to merit listing for its architectural and its historic interest.

The balancing exercise

The application proposals seek to balance the need to bring the building back into a beneficial use against the special interest of the listed building. AHC contend that the loss of plan form would create an element of harm. This approach fails to consider the application proposals in their entirety. As set out in the submitted Heritage Statement the application proposals when considered in their entirety will enhance the significance of the listed building by bringing a building back into use with a use that safeguards its future as well as better revealing elements which contribute to its significance.

Closing

The application proposals involve the beneficial re-use of a listed building that has been vacant for a number of years. The proposals have been developed in close collaboration with the local planning authority which includes the assessment of the significance of the listed building.

In response to the Council's conservation officer, several amendments have been made to retain more of the existing building fabric. Clarification has also been provided on details which can be secured through condition attached to any future permission/consent.

The comments provided by AHC are unfounded and not based on an assessment of the actual building, but solely limited to a desktop assessment. Further, the comments made go well beyond the professional experience of the Author which confirm that these comments should only be given extremely limited weight in the planning process.