

FORMER HAMPSTEAD POLICE STATION, 26 ROSSLYN HILL, LONDON NW3 1PD

**OPENING STATEMENT ON BEHALF OF
HAMPSTEAD COMMUNITY FOR RESPONSIBLE
DEVELOPMENT**

1. The proposal to redevelop the Former Hampstead Police Station as a primary school is the wrong development in the wrong location. It will cause substantial harm to the significance of a Grade II listed heritage asset and have negative impacts on the transport network, the amenity of neighbouring occupiers and the pupils and staff of the new school in terms of increased traffic, exposure to air pollution and noise. There is no solution to these problems – that is why, after careful consideration, the London Borough of Camden’s Planning Committee has twice, unanimously, rejected the Appellant’s proposals. The Appellant’s fixation on the Appeal Site at the expense of seriously considering alternative locations has led to a substandard scheme which not only results in the identified planning harm but also compromises the school experience of young children due to the planning constraints of the Site.

2. With regard to the main issues set out by the Inspector at the Pre-inquiry Meeting, HCRD considers that the following matters justify the refusal of planning permission and listed building consent for the proposed scheme:

- a. the unsustainable nature of the proposed development in transport terms, having regard to the increase in local trips by private motor vehicle which will be generated by a school use and their effect on traffic congestion and air pollution;
- b. the unacceptable impact of the proposed development on the amenity of local residents in terms of noise;
- c. the location of the proposed development on a busy main road, in an area with demonstrated poor air quality; and
- d. the harmful effect of the structural and physical alterations proposed to the existing building on its historical value and architectural quality as recognised in its designation as a Grade II listed building.

Transport

- 3. The Proposed Development cannot be considered sustainable development by reason of its conflict with strategic transport policies of the adopted development plan (including Policies T1 and C2 of the Camden Local Plan 2017 and Policies DH1, TT1 and TT2 of the Hampstead Neighbourhood Plan) and its negative impact on the traffic congestion and poor air quality already present in the vicinity of the Site. Locating school entrances on a busy main road, the A502 Rosslyn Hill, is also contrary to Policy S3 of the emerging new London Plan.
- 4. HCRD will demonstrate that Rosslyn Hill already experiences a significant degree of traffic congestion at peak times, which would be exacerbated by the additional private vehicle trips generated by the Proposed Development. Particular characteristics of the

location of the Site, some distance from the centre of the school's catchment area and topographically higher than the surrounding area, as well as limited attractiveness of the public transport routes between the catchment area and the Site and the availability of on-street parking, are likely to lead to an increase in private vehicle trips resulting from the decision by parents to drive their children to school where this would be a more convenient method of transportation.

5. The Appellant's transport evidence significantly underestimates the proportion of children that are likely to be driven to school if the Proposed Development is implemented, being based on a "hands up" survey of transportation modes conducted on a single day in one school year which is neither representative nor robust. Furthermore, in comparison with the trip generation of the prior use of the Appeal Site which would have seen traffic movements spread throughout the day, trips by private vehicle associated with the Proposed Development would be concentrated at peak times when roads have the least capacity to accommodate additional traffic.
6. It is no answer to rely on the fact that journeys to Abacus Belsize Primary School "already exist" on the network as the loss of a school bus and the change in location of the school is likely to lead to a shift in mode towards greater use of private cars.
7. Contrary to the Appellant's assertions, the impact of changes in behaviour resulting from the coronavirus pandemic is likely to worsen the effects of the Proposed Development on the transport network. Reductions in bus capacity as well as concerns about infection risk on public transport will make it both harder and less attractive for children and parents to rely on public buses as a means of travelling to school. The bus route which is most likely to be used by children travelling from

within the catchment area will not benefit from TfL's proposed increase in services. As is clear from the Council's evidence, the latest counts of vehicles using the roads in the borough demonstrate figures close to pre-lockdown levels.

Noise

8. The Proposed Development will conflict with development plan policies on noise and amenity, which recognise the negative effects that changes to the noise environment resulting from new development can have on the amenity of local residents, in particular Policy 7.15 of the London Plan, Policies A1 and A4 of the Camden Local Plan and Policy DH1 of the Hampstead Neighbourhood Plan. Locating a playground at the rear of the Appeal Site will have an unacceptable impact on the living and working conditions of neighbouring occupiers and is incapable of being effectively mitigated.
9. HCRD will demonstrate that the environment to the rear of the Appeal Site has been quiet and peaceful for a long time, even when the former Hampstead Police Station was fully operational. Characteristic noises included ordinary speech between officers in the course of occasional work conversations or training exercises, and the sound of horses nickering, snorting and being fed and watered. Notwithstanding the close proximity (in most cases between 1 and 5m) of residents' rear windows to the rear yard of the Police Station, and their adjoining rear gardens, residents have been able to keep windows open and make use of their outdoor amenity space throughout the day, with little to no disturbance from the neighbouring Police Station.

10. The Proposed Development would, on the Appellant's own noise assessment, introduce a significant new disturbing noise source into this tranquil environment. This would have an unacceptable effect on neighbouring residents not only as a result of the volume of noise produced by children using the playground, but also due to its frequency (in terms of pitch) and character. The nature of children's voices and their play is such that the noise is likely to be higher in pitch and will sometimes involve shouting and screaming. While the playground is in use, residents will be unable to open their rear windows or make use of their rear gardens, to the detriment of their ability to work in their homes and enjoy their amenity space. The level of noise produced by children is clearly incapable of being controlled by condition.
11. The nature of the mitigation proposed to deal with these effects further underpins the unsuitability of the Appeal Site for a school use. In recognition of the significant impact that noise from the playground will have on adjoining residents, the Appellant has agreed in principle to a condition limiting playground use to 2 hours per day. However, in the context of an elderly residential population and neighbouring residents who work from home, even with this limitation residents would suffer an unacceptable impact. The Appellant's proposal to build a 4m high acoustic wall (on the site boundary with homes in Downshire Hill) would result in restrictions on daylight and sunlight with as great if not a greater negative effect on the amenity of those neighbouring occupiers. It is noteworthy that the only neighbouring owner who has accepted this solution (and at a lower height than that initially proposed) is rarely resident at her Downshire Hill property. There are also other adjoining properties, such as 24 Rosslyn Hill, which would suffer noise and disturbance.

12. Likely future environmental and behavioural changes as a result of the coronavirus pandemic and increasingly warm summers in London will further lessen the effectiveness of the proposed mitigation. It appears increasingly likely that work will be undertaken at least in part at home, to reduce the infection risk posed by travel to work and shared office spaces. Warmer weather for longer periods of year means that it will more often be necessary to open windows for ventilation and cooling during the working day. Any temporal restriction on playground use may cause difficulties when implementing pandemic measures such as staggered school opening and closing times and keeping children in bubbles for playground use.

Air quality

13. A further indicator of the inappropriateness of the Appeal Site for a school use is its location on a busy main road in an area of poor air quality, in conflict with Policies A1 and CC4 of the Camden Local Plan 2017, Policy DH1 of the Hampstead Neighbourhood Plan and Policies SI1 and S3 of the Draft London Plan. Not only will the location of the Proposed Development expose young children to high levels of air pollution when travelling to and from the school, additional traffic generated by the Proposed Development as well as plant required for mechanical ventilation will lead to an increase in pollution levels in the local area with corresponding negative effects for local residents, many of whom are elderly and therefore more vulnerable. The school entrance for children in years 1, 2, 3 and 4 is located on Rosslyn Hill and children may well congregate on the wide pavement in front of the main school elevation before entering and after leaving the school each day.

14. HCRD concurs with and relies on the evidence of the Council's expert on air quality matters. Its own measurements conducted during school run hours corroborate the view that the Site experiences high levels of nitrous dioxide and particulate matter, especially when there is heavy traffic on Rosslyn Hill.

Heritage

15. The Proposed Development requires significant alterations and construction work to a Grade II listed building, engaging the statutory duties in sections 16 and 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 ("the 1990 Act") to give special regard to the preservation of listed buildings and any features of special architectural or historic interest they may have, and corresponding provisions in section 16 of the NPPF. As is well-established in case law, when considering the impact on heritage assets in the planning balance "considerable importance and weight" must be given to any finding of harm to the significance of a listed building, regardless of the level of harm (*R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire District Council* [2014] EWCA Civ 137 at paras.22-29). The policy imperative in the conservation of heritage assets is further underpinned by the development plan including Policy D2 of the Camden Local Plan 2017 and Policy DH2.

16. HCRD will demonstrate that the Proposed Development involves a high degree of harm to the significance of the listed building, and in particular would significantly weaken or make largely redundant Historic England's Reasons for Designation (ii)-(vi) as set out in the recently updated List Entry 1130397 for the "Former Police

Station and Courthouse, including stable and harness room, railings and lamps”. The contribution to the asset’s significance of the surviving original plan form, the internal detailing indicating the hierarchy of spaces and the particular heritage quality of the internal joinery, plasterwork, panelling and furniture in the courtroom, will all be significantly undermined by the works proposed to convert the existing building into a primary school. The extent of the impact on the major part of the reasons for listing the building is such as to leave the significance of the building “very much reduced” through “serious damage to the structure of the building” (*Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin) at para.25) and reach the threshold of substantial harm. Pursuant to paras.194-195 of the NPPF such harm should only be permitted to occur in exceptional circumstances and must be necessary to achieve substantial public benefits.

17. While the Proposed Development will have a lesser impact on the building façade, the proposals for an access ramp spanning the length of the Rosslyn Hill elevation will likewise have negative effects on the significance of the listed building and correspondingly on the character and appearance of the Hampstead Conservation Area in which it sits. The Appellant’s approach to the principal elevation, whose railings and lamps are explicitly mentioned in the list entry title and summary, is reflective of its very limited regard in general for the heritage implications of the Proposed Development and the need to design a scheme which is sensitive to the designated asset’s significance. As indicated in the evidence of Andrew Neale, an alternative design solution with level access from Downshire Hill would be a possibility.

18. Even if a finding of less than substantial harm was reached in the present case, such harm would still have to be given considerable weight. The extent of harm to significance would put this at the higher end of less than substantial harm, such that the public benefits needed to outweigh such harm would need to be significant. For the reasons given below, the benefits of the scheme are not sufficiently weighty to tip the balance.

Other material considerations

19. For the reasons which have been outlined and will be demonstrated in HCRD's evidence, the Proposed Development conflicts with a number of development plan policies on transport, amenity, air quality and heritage, such that the proposal conflicts with the development plan as a whole. The duty in section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") therefore directs that planning permission should be refused unless material considerations indicate otherwise. Granting planning permission and listed building consent for the extent of works proposed to a Grade II listed heritage asset would also fail to give special regard to the preservation of the listed building and its special architectural and historic interest in accordance with the statutory duties in the 1990 Act, when considered in the light of the guidance on heritage matters given in the NPPF.

20. HCRD will demonstrate that there are no material considerations sufficient to outweigh the conflict with the development plan, or the considerable importance and weight which must be given to harm to the significance of a designated asset. While it is accepted that there is a public benefit in bringing the existing building back into

use, this must be given limited weight given the extent of alterations proposed to the designated asset. Furthermore, there has been no real opportunity for other uses for the building to come forward and be tested, given the purchase of the Site by the Appellant a short time after it was finally vacated by the Metropolitan Police.

21. Similarly, while the provision of a permanent home for Abacus Belsize Primary School is recognised as a benefit, the weight to be given to this is also limited given the extension of planning permission for use of the current site at Camley Street until 2024. As will be demonstrated in the evidence of Andrew Neale, other more suitable sites within the school's catchment area have been available in the past and it is likely that more will come forward in the future. The constraints of the Appeal Site also result in limitations to the quality of the school experience for staff and pupils (including restrictions on playground use, safeguarding issues, inability to open windows for natural ventilation and means of escape concerns) which further limit the weight to be given to this planning benefit.

22. With regard to the other planning benefits relied on by the Appellant, it is submitted that these would largely be delivered in any scheme involving change of use and refurbishment of the Site, which would not necessarily require the extent of destruction of historic fabric or result in the same level of negative impact on the local area in general and neighbouring residents in particular.

Conclusion

23. The proposed development is in direct conflict with a number of policies in the adopted development plan and there are no material considerations which outweigh

those conflicts pursuant to section 38(6) of the 2004 Act. The statutory duties in sections 16 and 66 of the 1990 Act also point against the approval of the Proposed Development. When the benefits and harms are weighed against each other it is clear that the harms outweigh the benefits; if anything, this conclusion is strengthened when the likely behavioural and societal changes resulting from the coronavirus pandemic are taken into account. HCRD therefore invites the Inspector to recommend that planning permission and listed building consent be refused.

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15 SEPTEMBER 2020