



HAMPSTEAD NEIGHBOURHOOD FORUM

5 March 2019

Charles Thuaire
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 9JE

Re: Application ref: 2019/0730/P, Jack Straws Castle, 12 North End Way, London NW3 7ES

Dear Mr Thuaire,

1. Change of use

The Hampstead Neighbourhood Forum objects to the proposed change of use B1/D2 premises that would permit a private school expanding to this location. The proposed School Travel Plan that has been submitted is contrary to Policies TT1 and TT3 of the Hampstead Neighbourhood Plan (HNP), the emerging London Plan and paragraph 4.33 of the Camden Local Plan.

Change of use to educational purposes would deprive the Plan area of useful business and leisure space and would be contrary to HNP EC1 which supports sustainable development that helps retain jobs and encourages a mix of shops and services.

2. Draft School Travel Plan and Travel Statement

We have reviewed the STP in depth (see page 5) and determined that the proposal is contrary to Policy GG1 and D1(A) of the emerging London Plan and policies TT1 (1), TT1 (5) and TT3 (1) of the HNP.

Air quality and safeguarding requirements

Paragraph 5.3.10 of the emerging London Plan states: "All children should be able to travel to school by walking, cycling or public transport. Facilities should be located away from busy roads, with traffic calming at entrances, to benefit from reduced levels of air pollution, noise and road danger." No air quality assessment has been submitted, contrary to HNP TT1. However, in 2016, the Hampstead Neighbourhood Forum conducted a survey of air quality in the Plan area. We measured the N02 levels at Whitestone Pond to be above EU limits.

Children walking to and from this location would be exposed to unacceptable levels of air pollution unless mitigation measures can be taken to improve air quality in the Whitestone Pond area. No mitigation measures have been included.

Camden Local Plan Policy CC4 states: "Where the AQA (air quality assessment) shows that a development would cause harm to air quality, the Council will not grant planning permission unless measures are adopted to mitigate the impact. Similarly, developments that introduce sensitive receptors (i.e. housing, schools) in locations of poor air quality will not be acceptable unless designed to mitigate the impact." Jack Straws Castle is located on a busy round-about where traffic during rush hours can be constant.

Furthermore, the proposed walking route from Hampstead Underground Station and other Heathside school sites to the proposed site requires negotiating narrow pavements near speeding traffic and involves complex junctions and consequently, is not compliant with the Local and London plans to provide a safe walking environment to and from school sites for children of 10-11 years. All children travelling from the tube or other Heathside sites would need to cross from the east side to the west side of Heath Street. Pavements along the west side are particularly narrow and vehicles frequently speed along this section of road. Crossing from the east side to the west side at Whitestone Pond also requires crossing at a complex junction.

The proposal fails to take into account the number of trips that the Year 6 students would need to take during the day to reach classrooms located in 84a Heath Street, which houses all art, science, music and design and technology classes. Specialist subject teachers for math, English, history, geography, French, etc., would need to travel to the Jack Straws Castle to teach the Year 6 students. We note that the timetable provided is an exam preparatory schedule (with double maths and English and abbreviated classes in other subjects) and does not reflect a normal time schedule for Year 6 students.

The proposed hours of use are stated as 7 to 19.30 Mondays through Friday (with teaching between the hours of 8.30-16.30) and Saturdays and Sundays from 10-16.00, not including bank holidays. The proposal does not estimate the trips that would be generated for after-hours activities including Saturdays and Sundays.

Public transport accessibility

The proposal does not meet critical requirements for public transport set out in HNP TT3(1).

Contrary to the information provided in the application, Jack Straws Castle is situated in an area with poor public transport and has a PTAL score of 3, surrounded for approximately .7km in all directions by an area with a PTAL level of just 1 or 2.

In the case of development for educational purposes, HNP Policy TT3 requires that improvements in public transport are necessary to elevate the site's PTAL score to 4 or 5 upon completion of any proposal or it requires that a Travel Plan is produced that would provide "good accessibility to the new development with measures to mitigate harm from congestion and air pollution".

Reliance on private vehicles

The management plan states that the development will house the current Year 6 group of approximately 60-70 students. We note that the current Year 6 already contains approximately 80 students (4 classes of approximately 20 children each, two classes located in classrooms above the Village Shul and two at the Territorial Army Centre in Fitzjohn's Avenue.

The STP states that “Parents of pupils at the school will be encouraged not to drive to drop their children off at the school” through marketing strategies. A newsletter will inform parents that they are not allowed to park on the street (where there are currently zebra crossings and double yellow lines). However, it also states: “In the event parents do drive to the school, they will be advised of local car park opportunities, such as Heath Brow car park, located to the rear of the School.”

The STP is insufficiently robust to assure that there will be no significant increase in motor vehicle journeys.

It does not mention taking direct action against parents who persistently drop off and pick up their children by motor vehicle, for example, by asking them to withdraw their children from the school. According to the school’s own survey, which we query, 26% of its students arrive by motor vehicle despite the measures that the school is currently taking to encourage sustainable transport, including the use of a shuttle bus. It is a fair assumption, given the poor public transport and distance from other Heathside sites, that this figure will be greater in this location, particularly with a nearby parking lot and with the potential for growth of the school.

We note that there are a number of inaccuracies in the draft Management Plan. Year 6 students are not 11+ but ages 10 to 11 years old. The survey states that 6% of students are currently cycling to school and yet no cycle storage provision is currently provided at any of the school’s locations. Anecdotal evidence from neighbours in the surrounding streets suggests that there are many issues with parents who drive their children to school and park in nearby streets.

Also, no consideration is given to the movement of the full-size coaches that currently ferry children from location to location, such as the Territorial Army site, and to off-site venues such as the Swiss Cottage Leisure Centre.

HNP Policy TT1 requires that any application that can reasonably be expected to result in a significant number of additional motor vehicle journeys post completion should demonstrate (if necessary through mitigation measures) that the impact of any such vehicles journeys will be offset so that approval will not lead to an overall decrease in air quality in the Plan Area.

3. Expanding enrolment

Paragraph 4.33 of the Camden Local Plan recognises that Hampstead and Belsize Park have a very high concentration of schools. The decanting of Year 6 students, currently housed in the Old White Bear according to Ofsted, would allow the school to increase enrolment. Currently, the Year 6 contains two classes and yet the application proposes the creation of four or five new classrooms (the proposed plan has two classrooms labelled classroom three).

In 2010, enrolment at the school was just 176, spread over two sites only. Heathside is now one of the largest schools in Hampstead with nearly 500 students (last year enrolment stood at 554) and currently is spread out over the following sites:

- 84a Heath Street (nursery, reception, Year 1 and Year 2)
- 76 Heath Street (Year 3)
- 16 New End (Year 4) Old White Bear (Year 5)
- Territorial Army and Village Shul (Year 6)

The plan submitted for Jack Straws Castle includes 5 classrooms (incorrectly numbered on the proposed plans) plus three additional “tutorial spaces”. The potential capacity could be at least 100 (5 classes of 20 each), rather than stated 60-70.

Paragraph 4.33 states that the Council will refuse applications for new schools or the expansion of existing schools in these areas unless it can be demonstrated the number of traffic movements will not increase (see policy TT1 above).

A similar plan submitted by St Anthony’s School, 1 Arkwright Road, to create a girl’s school at 3 Arkwright, was refused by Camden in 2015. The proposal would have created capacity for 140 students versus 100 at Jack Straws Castle. Despite a PTAL rating of 6 (excellent), the proposal was refused by Camden because, among other reasons: *in the absence of a legal agreement to secure the development as fully ‘car-free’, [the development] would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport*. Other reasons cited the lack of a legal agreement to provide funds to monitor the Travel Plan for 5 years and to secure public highway works. The proposal for Jack Straws Castle also lacks these essential requirements.

4 The need for business premises

The Hampstead Neighbourhood Plan supports the retention of business premises. The owner/developer of Jack Straws Castle proposes that both the ground and basement levels would be used by Heathside School, retaining D2/B1 use for future flexibility over a ten-year period but under no obligation to do so.

In application 2018/5808/P, the applicant stated that they have been unable to let the unit over the course of marketing the site for one year. Anecdotal evidence suggests that this is not unusual for the Plan area. No. 76 Hampstead High Street, formerly Maison Blanc, opening soon as an art gallery, took several years to re-let as did No. 79 Hampstead High Street, now a menswear shop.

Hampstead’s office and retail space is finite and there are few developmental opportunities for growth in the future. The developer of Jack Straws Castle has received the benefit of converting most of the site to residential and should shoulder the responsibility of offering sensible rates to attract businesses to the location.

The expansion of Heathside School over the past few years, taking over parts of commercial premises, has deprived a number of commercial properties of tenants, including the Old White Bear, recently re-designated as an Asset of Community Value. The front half of no. 82 is currently the Heathside Family Store, supported by the school, open from 12-6 pm Tuesdays-Saturdays, as an artist’s co-op and school shop. The small shop premises located at the front of no. 76 appears to sell hats but no hours are posted nor is there any information about the shop on the internet.

5. Summary

We urge Camden to reject this proposed change of use as it is contrary to the Hampstead Neighbourhood Plan, the Local Plan and the emerging London Plan. Jack Straws Castle is an inappropriate site for a school, given the environmental hazards present.

The proposal is also incomplete in that it fails to include a Delivery and Service Management Plan and an Air Quality Assessment and plans for mitigating or compensating measure to ensure that there is no net decrease in air quality. The Built Heritage Statement neglects to take into account the policies contained within the Hampstead Neighbourhood Plan.

If the proposal is approved, the information provided by the applicant to date appears to be so limited and questionable that it is unlikely that the use of planning conditions alone will be sufficient to ensure compliance with planning law and to ensure that children are not put at risk. To this end it is essential that all material statements provided by the applicant on the (lack of) transport impact caused by the change of use should be reinforced through commitments made under an appropriate S106 agreement, and not merely by condition.

Sincerely,

Janine Griffis
Chair, Hampstead Neighbourhood Forum

Further analysis of Transport Statement and Travel Plan

1 Definition of Additional Trips

1.1 Use of notional rather than real data

- *The methodology in assessing the number of additional person trips used by the Transport Statement and Travel Plan does not enable a robust assessment of the impact of the change of use on air quality and levels of pollution to be performed, as required by Neighbourhood Policy TT1(1).*
- The submitted Transport Statement assumes that the impact of the proposed development can be assessed by comparing:
 - On the one hand the expected number of trips assuming the application for use as a school is granted; and
 - On the other hand, the “notional” number of trips which might have been made had the site been developed to the limit permitted in the planning consents for D2 (Leisure) and B1 (office) use previously granted.
- As a result, paragraphs 5.19, 5.21 and Section 6 of the Transport Statement attempt to conclude that granting the application for use as a school will not result in a material increase in trips and could result in a **decrease** of trips to and from the site.
- However, the Neighbourhood Plan makes clear that the application should be assessed on the basis of realistic predictions of the actual increase against *existing* levels of traffic and trip generation which will result from development, so that a robust assessment can be made on the impact of the development on levels of air quality.
 - ➔ Policy TT1 (1) states that special provisions apply to “planning applications which can reasonably be expected to result in a significant number of additional motor vehicle journeys **post completion**”. It does not say that the additional journeys should be reduced by those notional journeys which **might** have arisen in respect of previous, undelivered planning consents.
 - ➔ Paragraph 6.24 makes clear that this policy is designed to prevent additional vehicle traffic and pollution.

1.2 Use of TRICS predictions

- *The Transport Statement makes use of a TRICS modelling tool which conflicts with TfL guidance for the preparation of Transport Statements.*
- The Transport Statement relies on notional predictions of travel movements produced by the TRICS modelling tool, which is not based on real travel movements to/from the proposed site.
- TfL guidance states “Where sites are currently in use, TfL would expect to see surveys to ascertain current levels of trip generation rather than relying on data from alternative sources such as the trip generation database TRICS”.
- Camden Planning Guidance CPG7 makes clear that TfL guidance should be followed.
- The number of Year 6 students currently stands at 80 approximately and during the day, the time table makes clear that students would need to make at least one journey to other school sites and venues. The minimum number of trips by students would be 320 a day. Teachers would also need to travel between sites to teach various subjects.

2 Supporting Documents

2.1 Delivery and Service Management Plan

- *No Delivery and Service Management Plan has been provided, meaning that the robust assessment required by Neighbourhood Policy TT1 cannot be performed.*
- Neighbourhood Policy TT1 (1) requires that a full or outline DSMP is produced for developments involving “a significant number of additional journeys” so that a “robust assessment” can be made of the impact of a development on air quality and levels of pollution.
- Paragraphs 6.19 and 6.11 define these developments as ones involving either:
 - 100 or more additional person trips per day; or
 - Involve a size of 300 m² or above
- The proposed development (change of use) falls into both these categories:
 - It involves approximately 495 square metres of ground floor and basement space
 - It will generate at least 140 additional person trips per day.
- However a DSMP has not been provided.
- It should be noted that the NPPF defines pollution to include noise and light pollution in addition to air pollution.
- It should be noted that deliveries and servicing should be undertaken by vehicles of no more than 7.5 tonnes unladen weight in line with Neighbourhood Policy TT1 (4).

2.2 Air Quality Assessment

- *Likewise, an Air Quality Assessment has not been provided, meaning that the assessment required by Neighbourhood Policy TT1 cannot be performed.*
- Neighbourhood Policy TT1 (1) requires that an Air Quality Assessment is also provided for the same reasons.
- None has been submitted.

3 Possible requirement for mitigation

- *The Travel Plan and Transport Statement do not comply with Neighbourhood Policy TT1 (1) because they do not include mitigating or compensatory measures which will ensure there is no net decrease in air quality within the plan area post completion.*
- Policy TT1(1) requires that development should not lead to an overall decrease in air quality in the plan area. This may be achieved through mitigation measures, but Policy TT1 (5) requires that any such measures are clearly defined and controlled through planning conditions or obligations.
- It should be noted that where development will lead to a decrease in air quality or additional vehicle congestion Policy TT1(1) requires that mitigating measures are introduced to ensure that there is no net decrease in air quality in the Plan area.

4 Heightened Requirement for Car Use

- *The methodology used to assess additional vehicle use in the Transport Statement is unreliable because it does not take account of:*
 - *an accurate number of students located at the site*
 - *the proposed site’s relative remoteness compared with the school’s other sites;*
 - *the distances between the proposed site and the homes of its pupils;*
 - *its poor public transport accessibility and*
 - *its proximity to major roads, resulting in the greater attractiveness of travel to and from the site by private motor vehicle.*

- The School's catchment plan at Figure 2.3 shows that **less than one third** of pupils live within 1Km of the proposed site and approximately one third of pupils live **over 3Km** away.
- However, the site does not provide an easily walkable location for an educational institution, with both safeguarding concerns associated with the surrounding heathland and safety concerns associated with the small number of busy roads serving the site and the absence of residential roads or side streets.
- The site is located at the junction of two busy roads.
- In the circumstances, the requirement for car use can be expected to be above that for Heathside Schools existing sites.
- The Transport Statement does not reflect this.

5 Public Transport Accessibility

- *The site does not meet the critical requirements for public transport set out in Neighbourhood Policy TT3(1).*
- Neighbourhood Policy TT3(1) requires that **all** sites used for educational purposes, or involving more than 100 additional person trips per day must be at locations which have a PTAL (Public Transport Accessibility) score of 4 or above (until 2023) and 5 and above thereafter. The number of person trips for 80 students would be at least 160 or more likely 320 trips a day including one trip to other venues. This figure does not include trips by teachers.
- The site currently has a PTAL score of 3, and is surrounded for approximately 0.7km in all directions by area of heathland which have PTAL levels of 1 or 2.
- The existing PTAL level of 3 shown on the TfL's Webcat tool should be re-checked with TfL in view of the recent downgrading of service 268.
- In the circumstances, it is essential that levels of public transport are acceptable and that children of this age are not left dependent on a single school bus each day, or on vehicle journeys made to collect and deliver them.

6 Safety Requirements

- *The proposed site does not comply with the requirements of the emerging London Plan that schools are located away from busy roads.*
- The proposed school site is located at the junction of two busy roads with high levels of traffic throughout the day.
- Paragraph 5.3.10 of the emerging London Plan states *"All children should be able to travel to school by walking, cycling or public transport. Facilities should be located away from busy roads, with traffic calming at entrances, to benefit from reduced levels of air pollution, noise and road danger."*
- Children located at this site would need to negotiate these roads several times a day.

7 Safeguarding Requirements

- *The proposed does not offer a safe, walkable environment for children and does not therefore comply with Policy GG1 and D1(A) of the Emerging London Plan*
 - The proposed site is at a location where pedestrian activity is low, there few neighbouring buildings and street lighting is poor. It is located in an area of heathland.
 - The School Transport Statement and travel plan require that children walk a distance of 0.7 Km to and from Hampstead when attending the school.
 - During winter months, many of these journeys will be made during the hours of darkness, particularly when children stay for extra curricular activities.

- Policy GG1 of the Emerging London Plan states that those involved in planning and development must *“Ensure that streets and public spaces are planned for people to move around and spend time in comfort and safety, creating places where everyone is welcome, which foster a sense of belonging and community ownership, and where communities can develop and flourish.”*
- Policy D1(A) of the Emerging London Plan states that developments must *“achieve safe and secure environments”*
- Paragraph 3.1.5 of the Emerging London Plan states that *“Measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places.”*

8 Pedestrian Walk Routes

- *The proposed site does not support a safe pattern of travel for children walking from Heathside School’s other sites in Hampstead and is consequently not in compliance with the requirements of the Local and London plans to provide a safe walking environment to and from school sites.*
- According to Paragraph 5.40 of the Transport Statement, *“the 37% of pupils who travel by school bus will be dropped off at existing sites and walk to Jack Straws.”* A further 19% of children are reported as walking to school. This means that at least 56% of children (39 children in total) will be required to walk to the site, with an objective to increase this percentage in future years.
- However, the walk from Hampstead Station and other Heathside Schools sites in Hampstead to the proposed site is not safe for children of 10-11 years for the following reasons:
 - Traffic speeds along the upper part of Heath Street are much higher than close to the school’s other locations and frequently exceed 30mph despite the 20mph limit.
 - All the schools other locations are on the East side of Heath Street, whilst the proposed site is on the West, requiring all children to cross Heath Street.
 - The pavements along Heath Street are narrow for most of its length between New End and Hampstead Square.
 - There are no safe crossing points in the 250 metres of Heath Street between New End and Whitestone Pond.
- There is consequently a heightened risk of collisions and injury to children, particularly if walking in groups between the school’s sites.

9 Use of City of London Car Park

- *The Transport Statement and Travel Plan are unsound because they do not take account of the additional vehicle congestion caused by using the Corporation of London car park for pupil drop off.*
- Paragraph 5.30 of the Transport Statement states *“It is evident from the above data that the car park operates well within capacity and given the proposals are anticipated to generate circa 18 arrival and 18 departure trips by car during the school AM and PM peak periods, the car park will be able to accommodate any parent dropoff/pick-up arrivals, even in the worst case scenario of all arrivals occurring simultaneously during the busiest car park utilisation period.”*

- However, the Neighbourhood Plan requires that the overall impact of additional traffic is taken into account, in the light of the road network. The road network at the proposed site is not capable of supporting the number of additional drop off journeys required over a short period for the following reasons:
 - Access from the car park is onto a busy road approaching a busy junction.
 - The junction between the main road and the access road is not well lit.
 - No other access routes are available, meaning that all additional vehicle activity will be focused on the one main road.
 - The additional activity will occur during the period of the school run, which is already the most heavily congested time of day.

10 Further work is required on the Transport Statement and Travel Plan

- The Transport Statement and Travel Plan are currently unsafe and require further work to enable them to provide the robust assessment which the Neighbourhood Plan requires. In particular:
 - The number of pupils currently travelling to Heathside School by foot stated in the Travel Plan differs from Transport Assessment by 13%. It is not clear which document is correct.
 - The data for current travel choices is taken from a survey performed in October 2016 and is out of date.
 - Insufficient evidence is produced to support statements such as that at paragraph 3.1 of the Transport Statement that “the Site is accessible by all modes of transport with an excellent network of footpaths, cycle facilities and public transport services in the immediate vicinity.” This is at variance with the proposed site’s PTAL score of 3, which is substantially below the Camden average and below the threshold of adequate public transport for inner London set by both TfL and the Neighbourhood Plan.
 - Clear and reasoned predictions of additional use must be included, based on actual data for current use and reliable assumptions on future use.
 - Service and delivery trips are not fully assessed. TfL guidance is that “As well as person trips, TfL expects to see delivery and service vehicle trips assessed by numbers and type as well coaches. The site will need to be designed to accommodate regular large vehicles (e.g. refuse and removal vans) but also infrequent trips. The TA should provide evidence to quantify demand”
 - The Transport Statement is based on the assumption that pupils will be kept on site at all times and will only be released at the end of the day. Paragraph 5.13 states that *“trip generation for the proposed use assumes pupils’ arrival and departure trips only, as it is not anticipated that, on an average day, pupils will leave the Site for extra-curricular activities or for lunch, or if they do, will walk to nearby facilities, as currently found.”* However there are in fact no nearby facilities and if any pupils seeking to buy lunch will be required to walk a 1.4Km round trip to Hampstead town. The Transport Assessment should be based on clear and reasonable assumptions regarding lunch and extra-curricular activities.
 - Table 5.14 in the Transport Statement shows 19% of pupils walking to the proposed site. However, paragraph 5.40 states that 37% of pupils who currently are driven to Heathside’s existing sites by school bus will be dropped off at the existing school locations and required to walk 0.7Km to the proposed site at Jack Strawss Castle. This mixed modal category is not reflected in the statistics shown.
 - Predictions for vehicle use should be realistic about the specific safeguarding and safety issues associated with the site.
 - Irrelevant factors, such as the availability of a Night Bus route should be removed.
 - Staff movements should be taken into account and not ignored as stated at paragraph 5.8 of the Transport Statement.

