

25th January 2024
Our Ref: 23.5031

120 Bermondsey Street
London
SE1 3TX

David Peres de Costa
Senior Planning Officer

T 0203 268 2018

By email only

Dear David,

Re: Application for a Certificate of Lawfulness of Existing Use at ESCP Europe Business School, 527 Finchley Road, NW3 7BG

On behalf of our client, École Supérieure de Commerce de Paris ('ESCP') Europe Business School, we hereby submit an application for a Certificate of Lawful Existing Development (CLUED) pursuant to s191 of the Town and Country Planning Act 1990 (as amended), in relation to surfacing works and the erection of a vehicle crash barrier at the ESCP Business School site ('the Site') at 527 Finchley Road, London, NW3 7BG.

The CLUED seeks confirmation that these works comprise lawful development, in accordance with Part 2, Class A and Part 7, Class N of the General Permitted Development Order ('the GPDO').

The Site

The School is situated on the western side of Finchley Road on the corner of Parsifal Road and is occupied by the Parsifal College which is utilised by the School. The Site does not fall within a Conservation Area or an area of special character, however the West End Green Conservation Area is located directly adjacent to the south-west of the Site. The West End Green Conservation Area appraisal sets out that inclusion of the main college building in the Conservation Area was declined as the College does not relate to the heart of the West End Green Area.

None of the School buildings are listed and the Site does not adjoin any listed buildings. The main building to the front is locally listed. The nearest listed building to the Site is the Emmanuel Church located approximately 0.3km to the south on Lyncroft Gardens to the south of the application Site, however it is not considered to be in the School's immediate context.

There are several trees along the northern and south-eastern borders of the Site which are subject to a Tree Preservation Order (TPO).

The School is accessed via Parsifal Road which is a residential road which has parking restrictions in place. Car parking for the school is located to the rear of the School. The West Hampstead Town Centre is a short distance to the south where West Hampstead underground station and other amenities including retail, food and drink, library and leisure centre uses are located. The Site has a PTAL of 4, which indicates a good level of accessibility.



The Site is located within Flood Zone 1. The Site is not subject to any other planning policy designations under the Local Development Plan.

Background

Surfacing works have been undertaken to widen the existing internal road along the boundary of Parsifal Road, for the purposes of allowing a fire tender vehicle to access the Site, in compliance with requirement B5, Part B of Schedule 1 to the Building Regulations 2010.

In addition, a vehicular crash barrier has also been erected along the boundary of the Site with Parsifal Road, in order to meet Building Regulations Part K section 3 in relation to guidance on protection from falling collision and impact.

The works have been undertaken in complete accordance with the relevant legislation as set out within the section below.

Alongside this application we have also submitted a site plan, sections, and elevations prepared by Markwick Architects and a Phase I Hydrogeological Risk Assessment Report prepared by Brownfield Solutions, which further detail the works which have been undertaken and compliance with relevant legislation.

The works are confined to land within the School's ownership and do not impact land relating to the public highway.

The School remain aware of Condition 10 of temporary planning permission ref: 2023/2430/P and details will be submitted for the Council's review and approval prior to the removal of the modular classrooms in 2026.

Legislation

Hard Surfacing

The hard surfacing has been undertaken in accordance with Part 7, Class N of the GPDO in relation to the provision of a hard surface within the curtilage of a school.

Paragraph N.1 of Part 7, Class N of the GPDO sets out the criteria for which development is not permitted under Class N. This includes if:

(a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;

The total cumulative area of hard surfacing which has been carried out is limited to 50sqm. All existing surfacing on the site was undertaken prior to 6th April 2010.

(b) as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used; or

There is no area of the site which is used as a playing field and therefore the surfacing works will not result in the loss of a playing field.

(c) the development would be within the curtilage of a listed building.

The building is not listed, nor are the immediate surrounding buildings.

Part N.2 sets out the following conditions by which development permitted by Class N is subject to:

(a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

The accompanying Phase I Hydrogeological Risk Assessment Report prepared by Brownfield Solutions confirms that there is a very low risk of groundwater contamination. As such, the surfacing has been undertaken using a porous tarmac.

Crash Barrier

The erection of the vehicular crash barrier has been undertaken in accordance with Part 2, Class A of the GPDO in relation to the erection of a means of enclosure.

Paragraph A.1 of Part 2, Class A of the GPDO sets out the criteria for which development is not permitted under Class A. We have included the relevant criteria below:

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The barrier stands at 0.61 metres in height.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The building is not listed, nor are the immediate surrounding buildings.

Closing

The Applicant is seeking to obtain a Lawful Development Certificate to confirm that the works undertaken to erect a vehicular crash barrier and provide hard surfacing along the area of the Site

adjacent to the boundary wall along Parsifal Road are lawful. These works have been undertaken in full accordance with the legislation relating to Part 2, Class A and Part 7, Class N of the GDPO 2015. As such, it is requested that a Lawful Development Certificate is granted without delay.

Should you have any queries or require any further information, please do not hesitate to contact me as detailed below.

Yours sincerely

Zoe Curran

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