

<b>Delegated Report</b>	<b>Analysis sheet</b>		<b>Expiry Date:</b>	21/03/2024
	N/A		<b>Consultation Expiry Date:</b>	N/A
<b>Officer</b>			<b>Application Number(s)</b>	
Jaspreet Chana			2024/0300/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
527 Finchley Road London Camden NW3 7BG			Refer to Draft Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Resurfacing works and the erection of a vehicle barrier				
<b>Recommendation(s):</b>	Grant Certificate of Lawfulness (Existing)			
<b>Application Type:</b>	Certificate of Lawfulness (Existing)			
<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice			
<b>Informatives:</b>				

## Site Description

The site is a school which is situated on the west side of Finchley Road on the corner of Parsifal Road and is occupied by the Parsifal College. The site is a series of buildings which form the school, it does not lie within a Conservation Area.

## Relevant History

### Application Site:

2023/5016/P - Replacement of existing brick wall and brick pier – Granted – 07/03/2024.

## Assessment

### Background

This application is submitted on behalf of Ecole Superieure de Commerce de Paris (ESCP) Europe Business School for an existing certificate of lawfulness, in relation to the school carrying out works whereby they have hard surfaced the side area along the boundary (south west side of Parsifal Road) wall and adding a crash barrier structure.

### Legislation:

Part 2, Class A of the General Permitted Development Order 2015.  
Paragraph A.1 of Part 2, Class A of the GPDO.

### **Permitted development**

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

A.1 Development is not permitted by Class A if—

- (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;
  - (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

### Assessment

There is no Article 4 direction removing the above form of Permitted Development. The constructed crash barrier has a height of 0.61 metres set behind the existing boundary wall and is attached to the upper part of the wall and would have a total height of 2m above ground. The proposal therefore complies with parts a, b and c above.

The school building is not listed and nor are the surrounding buildings. The proposal therefore complies with part d above.

## **Legislation:**

Part 7, Class N of the General Permitted Development Order 2015.  
Paragraph N.1 of Part 7, Class N of the GPDO.

## **Permitted development**

Class N – Hard surfaces for schools, colleges, universities or hospitals

- (a) the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or
- (b) the replacement in whole or in part of such a surface.

N.1 Development is not permitted by Class N 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;
- (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
- (c) the development would be within the curtilage of a listed building.

## **Conditions**

N.2 Development is permitted by Class N subject to the following conditions –

- (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.

## **Assessment**

There is no Article 4 direction removing the above form of Permitted Development. The existing landscaped area next to the boundary wall along Parsifal Road has been altered to be hard landscaped, total area of 45sqm which covers the extended entrance opening (which was approved under application 2023/5016/P). The resurfacing subject to this application was undertaken on site prior to 06<sup>th</sup> April 2010.

The existing area is being used as car parking spaces and has landscaping along its boundary to the rear of the spaces and along the boundary with Parsifal Road entrance. The site area has not been used as a playing field and therefore the surfacing works would not result in the loss of a playing field.

The school buildings are not listed and nor are the surrounding buildings.

The applicants have submitted a Phase I Hydrogeological Risk Assessment Report (by Brownfield Solutions) concludes that the overall risk to controlled waters is low. The report states that '*there are limited sources of contamination known at the site due to previous developments... there are no groundwater abstraction licences or Source Protection Zones near the site and the undying deposits are of very low permeability, which would inhibit contaminant migration. Therefore, there is a very low risk of any contaminants affecting controlled waters from the site*'. Given this the resurfacing has been undertaken using porous tarmac and so complies with the above criteria.

**Conclusion**

The retrospective works of resurfacing works and the erection of a vehicle crash barrier at the front of the school are considered to comply with the required criteria under Part 2 Class A and Part 7, Class N of the Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Recommendation:** Grant Certificate