Proposed mixed-use development
at
104A Finchley Road
London NW3 5EY

PLANNING &
HERITAGE STATEMENT

tp bennett

for

Sectorsure No.10 Limited

August 2022

CONTENTS

Appendices:

1. INTRODUCTION

1.1 This Planning and Heritage Statement has been prepared by tp bennett in support of a planning application by Sectorsure No 10 Limited for the redevelopment of 104A Finchley Road, London NW3 5EY [the Site].

1.2 The planning application is being made to the London Borough of Camden [LBC] as Local Planning Authority [LPA].

1.3 The Site is in operational use as a petrol filling station [PFS]. Full planning permission is sought for the following [the Development]:

> ***Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space (Class E/F1), and 31 x residential apartments above.***

1.4 This Planning and Heritage Statement assesses the proposals against the policies in the development plan and other material considerations. The statement is structured as follows:

- Section 2 – provides detail of the application proposals;
- Section 3 – briefly describes the site and surrounding area;
- Section 4 – outlines the site's planning history;
- Section 5 – provides an overview of the principal planning policy and guidance relevant to the assessment of the proposed development;
- Section 6 – provides an assessment of the proposal against the provisions of the development plan and other material considerations;
- Section 7 – sets out a Heritage Statement (including consideration of archaeology)
- Section 8 – briefly considers the scope of planning obligations
- Section 9 – conclusions.

1.5 This Statement should be read in conjunction with the following documents and drawings, which form part of the planning application:

- Application form and certificates (online)
- CIL questionnaire
- Site location plan, existing and proposed drawings (tp bennett)

- Letter of support from University College School Pre-Prep [UCSPP] (Zoe Dunn, Headteacher) (see Appendix 2)
- Design and Access Statement (tp bennett)
- Hampstead Fuel Station Analysis (Alexander James)
- Health Impact Assessment pro forma (tpb)
- Viability Report (James Brown)
- Transport Statement and Travel Plan (PMA)
- Outline Delivery and Servicing Management Plan (PMA)
- Construction Management Plan (PMA)
- Structural Feasibility Study (Parmarbook)
- Energy Statement (wme) incorporating Overheating Assessment (BuildEnergy)
- Sustainability Statement (wme)
- Whole Life Carbon Assessment (wme)
- Circular Economy Statement (wme), including a pre-demolition waste audit (Sustainable Construction Services)
- BREEAM Pre-Assessment (wme)
- Flood Risk Assessment and Surface Water Drainage strategy (Robert West)
- Internal Daylight & Sunlight Adequacy Report (DPR)
- Neighbouring Daylight and Sunlight Report (DPR)
- Archaeological Desktop Study (RPS/CgMs)
- Phase 1 Environmental Assessment (Subadra)
- Residential Noise Assessment (Entran)
- Air Quality Assessment (wme)
- Fire Statement (Clarke Banks)
- Tree survey/Arboricultural Impact Assessment (Oakfield)
- Preliminary Ecology Appraisal and Biodiversity Net Gain Report (Wychwood Environmental)

2. PROPOSED DEVELOPMENT

2.1 Planning permission is sought for the following development:

> *Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space (Class E/F1), and 31 x residential apartments above.*

2.2 The PFS has been operating for many years, but has seen a steady decline in sales volumes over recent years and particularly since the advent of the Ultra Low Emission Zone (ULEZ). Further detail on this is set out in the submitted Fuel Station Analysis (Alexander James).

2.3 The Development proposes GF commercial use with residential apartments on the upper floors accessed from College Crescent.

2.4 The eastern part of the GF is proposed to be either additional accommodation for the neighbouring school or a second commercial unit.

2.5 The detailed design of the building is described in the submitted Design and Access Statement and scheme drawings.

2.6 The table below summarises the proposed accommodation:

	Floor space m^2 GEA	***Notes***				
Existing						
Petrol Filling Station/ ancillary retail store	140	GIA				
Proposed						
Commercial unit	110	Ground floor (Finchley Road)				
School/commercial unit	349	Ground floor (Finchley Road)				
Residential apartments	*3,118*	1F-5F (College Crescent)				
Total						
Residential mix		1F	2F	3F	4F	5F
1B	(39%) 12	3	2	2	2	3
2B*	(48%) 15	1	4	4	4	2
3B	(13%) 4	1	1	1	1	0
Total	31	5	7	7	7	5

* NB 4 of the 2B units are wheelchair adaptable – ie M4(2)(2a)

3. SITE AND SURROUNDING AREA

3.1 The Site

3.1.1 The application site comprises a BP Petrol Filling Station [PFS] (*sui generis* use) and ancillary retail store at 104A Finchley Road, London NW3 5EY.

3.1.2 The Site is located on the NE side of Finchley Road, at its junction with College Crescent. The PFS includes a forecourt and canopy with a shop building to the eastern side.

3.1.3 College Road rises steeply behind the Site resulting in access from that side being effectively one storey higher than Finchley Road.

3.1.4 The Site is in the Finchley Road/Swiss Cottage Town Centre and is designated a Secondary Shopping Frontage in the Camden Local Plan. It is not in a conservation area, although the northern side of College Crescent forms the boundary of the Fitzjohns/Netherhall Conservation Area.

3.1.5 The Site has a PTAL rating of 6a. Finchley Road forms part of the TfL Road Network and is Red Route; there are nearby loading bays on both Finchley Road and College Crescent.

3.1.6 The site is within a TfL Underground Zone of Influence: there are TfL Underground structures close to the surface both within and in close proximity of the Site.

3.2 The Surrounding Area

3.2.1 Fronting College Crescent immediately to the E is the University College School Pre-Prep [UCSPP] (36 College Crescent) with 1-15 College Court beyond. These buildings are locally listed and accessed from College Crescent. 40 College Crescent beyond is grade 2 listed and lies within the Conservation Area.

3.2.2 To the E of the Site on Finchley Road is a series of GF retail premises with offices and residential uses above. The block immediately adjoining the Site (17-18 New College Parade) contains educational floor space for UCSPP at upper levels, accessed from College Crescent.

3.2.3 On the W side of the College Crescent junction is the North Star PH, also locally-listed.

3.2.4 The area to the N of the Site within the Fitzjohns/Netherhall Conservation Area is mainly residential with large Victorian villas. South Hampstead High School adjoins College Crescent but has no functional relationship with it.

3.2.5 The S side of Finchley Road is fronted by retail premises with mansion blocks above, several of which are locally-listed.

3.2.6 Further details of nearby heritage assets are set out in the Heritage Statement at section 7 of this document and in the appendices.

3.2.7 The Site is shown in Fig 1 below, alongside an aerial view (Fig 2). Photographs of the Site and its environs are included in the submitted Design and Access Statement.

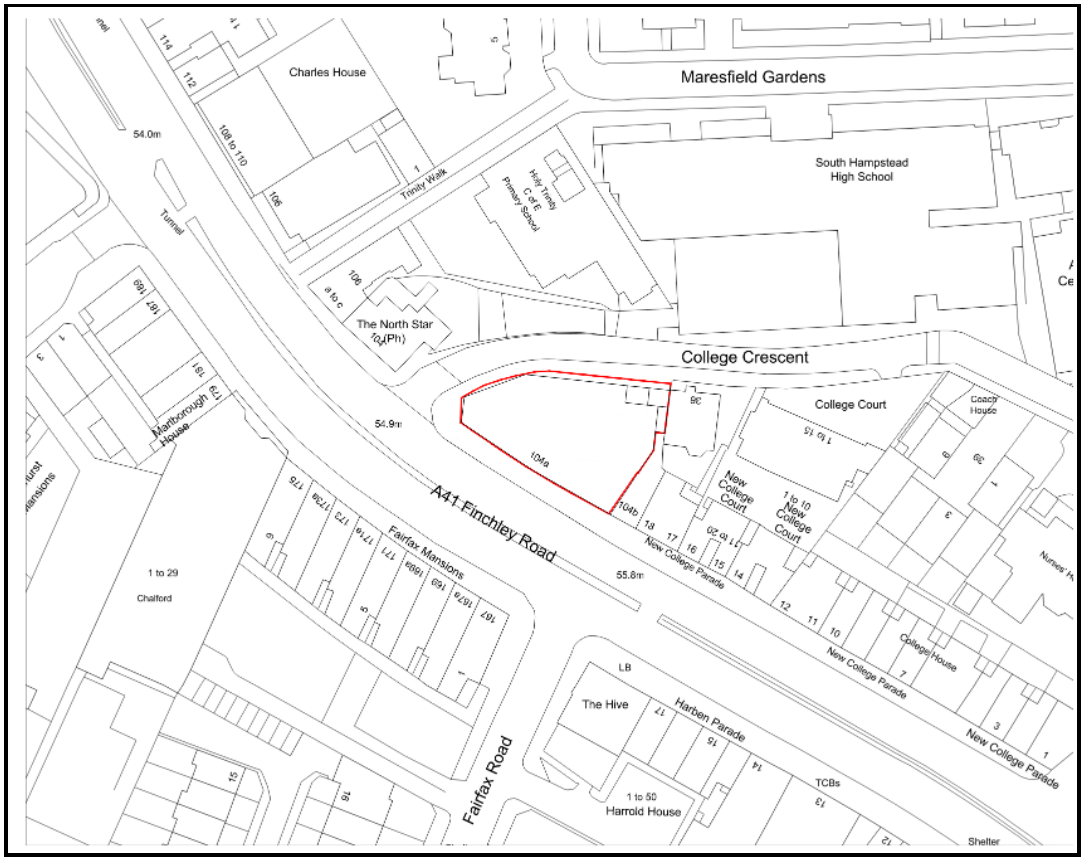

Fig 1: Site location plan

Fig 2: Aerial view of application site

4. PLANNING HISTORY

4.1 Planning History

4.1.1 The following table sets out a schedule of the planning history for the Site, as available on the LBC online planning register.

Reference	***Description***	***Date/ decision***
Petrol Filling Station (104A Finchley Road)		
2010/6672/A	Display of internally illuminated signage associated with an Automated Teller Machine (ATM) on existing shopfront.	9.2.2011 Granted
2010/6671/P	Installation of an Automated Teller Machine (ATM) to existing shopfront.	9.2.2011 Granted
9100317	Redevelopment of petrol filling station with new two storey sales building forecourt canopy and underground storage tanks and all associated works as shown on the brochure and drawing number 4800/11 and as revised by letter dated 10th December 1991.	7.1.1992 Permitted
8803912	Erection of a two-storey building for use ancillary to petrol filling station in replacement of the existing single-storey sales building and the extension of the existing canopy as shown on drawing No.HF/87/2A revised on 23rd May 1988.	3.8.1988 Permitted
8780307	Display of an internally illuminated composite sign measuring 6.15m high x 1.75m wide on the Finchley Road frontage as shown on drawing No.45/8-2. The period of consent shall be from 1st September 1987 until 31st August 1992.	12.8.1987 Granted
8580172	The display of an internally illuminated electronic computergraphic sign measuring 10 feet wide by 3 feet deep located beneath the canopy and centrally placed on the fascia of the shop as shown on two un-numbered drawings.	31.7.1985 Granted
CA/1667/C	The erection of a single-sided internally illuminated box sign of length 3'4" (1.02m) and width 2'6" (0.76m) to read "WE GIVE GREEN SHIELD STAMPS" in black and white letters on an orange background together with an interchangable signle-sided panel to read "DOUBLE" or "TREBLE" or "QUADRUPLE" on orange, green and white backgrounds with white lettering. The sign to be 8'(2.4m) above the footway.	6.3.1975 Permitted

CA/1667/B	At 104A Finchley Road, N.W.3. the erection of a 2'6" (0.76m) x 3'4" (1.02m) moulded perspex projecting box sign finished in colours of orange, black and white to read "We give Green Shield Stamps" together with a 2'6" (0.76m) x 9"(0.23m) high box sign of similar construction having interchangeable panels to read "Double, Treble or Quadruple" finished in white on orange, white on green and white on black respectively. The display to be static, internally lit and at a height of approximately 8'(2.4m) from the ground level to underside.	No data
CA/1667/A	Erection of canopy fascia signs with illuminated green lettering on yellow background at 104A Finchley Road, NW3. 1. Finchley Road Elevation - illuminated fascia sign measuring 38'0" (11.7 m) x 2'6" (0.8 m). Overall height 15'6" (4.8 m). Green lettering on yellow background. 2. College Crescent Elevation - Same as 1. 3. Swiss Cottage Elevation - Illuminated fascia measuring 12'0" x 2'6" (3.6 m x 0.8 m). Overall height 15'6" (4.8 m) no lettering, yellow background. Free standing company pole sign - overall height 17'6" (5.4 m) with two double-sided internally illuminated box signs and a non-illuminated double-sided acrylic panel.	No data
CTP/G6/17/ A/13124	The erection of a new service station at 104A Finchley Road N.W.3.	18.7.1972 Permitted
CA/1667	At 104A Finchley Road, Camden. An internally illuminated double sided projecting box sign having white on orange and black on white to read WE GIVE GREEN SHIELD STAMPS, with interchangeable signs, one having white on orange to read DOUBLE, one have white on green to read TREBLE, and one having white on black to read QUADRUPLE. Overall length 2'6" (0.76m) depth 4'1" (1.25m), overall height 12'1" (3.69m).	14.10.1970 Permitted
CTP/G6/17/ A/7520	Installation of paraffin vending machine on forecourt of Hampstead Service station, 104A Finchley Road, Camden.	17.9.1969 Permitted
UCSPP site (36 College Crescent)		
2011/6286/P	The installation of an external awning at rear first floor level in connection with existing school (Class D1).	6.8.2012 Granted
2010/5909/P	Installation of a satellite dish on concrete pallet mount to school building (Class D1).	16.3.2011 Granted
PW9702479	Approval of details of elevations and materials pursuant to part condition 1 of	20.8.1997 Approved

	planning permission dated 10th January 1997 (ref. P9601027) for erection of roof extension, as shown on drawing numbers> 807/2c (Plans submitted)	
P9601027	Erection of a roof extension above 17-19 New College Parade, Finchley Road to provide additional accommodation for the Phoenix School. as shown on drawing numbers> 807/1a, /2a, /3a, /4a and /5a.	9.1.1997 Permitted
CTP/G6/17/ A/8627	The change of use from storage to residential purposes of part of the basement and the formation of a glazed accessary to the existing bar at No 36 College Crescent, N.W.3.	27.4.1970 Permitted
CTP/G6/17/ A/1248	Construction of a fan chamber on roof of Churchill Hall, 36 College Crescent, Camden	6.1.1966 Permitted
TP/14553/27272	Continuation of use of basement for storage at 36 College Crescent, Hampstead.	31.10.1962 Permitted
TP/14553/ NW/17075	Conversion of the ground and first floor of No.36 College Crescent, Hampstead into two self-contained flats,	15.12.1959 Permitted
TP/14553/ NW/20031	The formation of a new vehicular access to College Crescent, submitted in pursuance of condition (b) contained in the planning permission issued by letter dated 28 March 1958, for the erection of a two-storey building to be used as shops on the ground floor and committee rooms and offices on the first floor, on the site adjoining No. 16 New College Parade, Finchley Road, at the rear of No. 36 College Crescent, Hampstead	27.2.1959 Permitted
UCSPP (17-18 New College Parade)		
8480078	The display of: 1) A fascia sign measuring 9.8m by 0.9m lit externally by four spotlights and 2) An internally illuminated projecting box sign measuring 0.84m by 0.6m as shown on drawing No.1.Period of consent shall be from 1st July 1984 until 30th June 1989	20.6.1984 Approved
8400668	The installation of a new shopfront and canopy as shown on drawing No.1.	20.6.1984 Permitted

4.1.2 In summary, the PFS – originally Hampstead Service Station – existed on this site at least in 1969. Permission was granted in 1972 for a replacement facility. Since then, a new ancillary shop building was permitted in 1988, and further replacement facilities in 1992. Advertisement consent has been granted for various advertisements and signage proposals. A new ATM and signage were permitted in 2011.

4.1.3 Permission was granted in 1997 for works relating to school use at 36 College Crescent. Some minor works have been permitted subsequently.

There is no separate planning history relating to the use of the upper floors for residential use, which was presumably the use pertaining in 1947.

4.1.4 The building fronting Finchley Road (17-18 New College Parade) was permitted in 1959. The committee room and offices on the upper floors have been in educational use for many years.

4.2 Pre-Application Advice

4.2.1 Formal pre-application advice was originally sought from LBC in November 2017 for a residential-led proposal. The advice received (2017/6535/PRE, 11 July 2018) was broadly supportive of the principle of residential redevelopment, strongly-encouraged GF commercial use, and voiced some concerns about scale, massing and detailed design.

4.2.2 Given changing market conditions, formal pre-application advice was sought in October 2019 for an alternative scheme for a hotel. The advice subsequently received (2019/5255/PRE, 18 December 2019) stated that a hotel was unlikely to be acceptable being contrary to policy in terms of size and the absence of an element of housing. The scheme was presented to a Design Review Panel on 31 January 2020: inter alia, the Panel questioned whether or not a mixed used scheme was feasible; considered that greater massing on the apex if the Site would be desirable; promoted structure that would permit the use of brick (not slips); and suggested that a single material be used on both façades.

4.2.3 Since the DRP market conditions have changed again and a small hotel is no longer a viable proposition. The current scheme essentially reverts to the original residential scheme but with the acceptable building scale and massing and approach to materiality established by the DRP.

4.2.4 The other main change from the 2017 proposals is the inclusion of educational use at GF level, in association with the adjoining UCSPP School. Further advice was sought on this alternative residential-led scheme in September 2021; LBC's advice (2021/4622/PRE) was received on 11 February 2022 and is included in Appendix 1 of this statement. The advice includes a brief summary of the main issues raised in the two previous rounds of pre-application engagement.

4.2.5 The following key issues were identified in the most recent pre-application advice:

Principle of development

4.2.6 The proposed uses were acceptable in principle, subject to justification for loss of PFS in line with CPG Transport and overcoming concerns that the educational use on the GF would be unacceptable in terms of air quality and flood risk.

4.2.7 The inclusion of housing, including affordable housing, was strongly supported. The proposed mix was welcomed.

Heritage and design

4.2.8 The pre-application advice sets out a summary of local design policy. Notwithstanding the previous DRP discussions in early 2020, it was thought it might be desirable for the DRP to consider the scheme again, depending on the final design. Following receipt of indicative sections across Finchley Road, the proposed height and massing was considered acceptable.

4.2.9 The residential units would have to conform with London Plan minimum space standards. The inclusion of single aspect units fronting Finchley Road would need careful consideration.

4.2.10 The advice included some detailed comments on designing out crime.

Amenity

4.2.11 A daylight/sunlight assessment would be required to test potential impacts on neighbouring residential occupiers above the North Star PH (104 Finchley Road), 17-19 New College Parade and 36 College Crescent.

Highways and transport

4.2.12 The car-free approach was supported. Development would be subject to TfL consultation, including in relation to stopping up vehicular crossovers, in terms of servicing from the Red Route loading bays and requiring a draft Delivery and Service Management Plan, and construction (draft Construction Management Plan required).

4.2.13 The advice also referred to requirements to ensure stability of the adjoining highway in College Crescent where there is a retaining wall.

Energy and sustainability

4.2.14 The pre-application advice included a pro forma for the matters to be addressed in an energy statement and in a sustainability statement for both the residential and non-residential uses.

Air Quality

4.2.15 Given the Site's location in an area of very poor quality, the advice set out detailed requirements for an air quality assessment. In particular, it suggested that the need for detailed modelling to ascertain current air quality across the Site and in order to inform appropriate mitigation.

4.2.16 Concerns were expressed in particular about the appropriateness of the location for educational use.

Drainage and flood risk

4.2.17 The advice commented on local surface water flood events and queried the suitability of the Site for a basement educational use [NB the school use is proposed at GF level]. It set out requirements in relation to SuDS and achievement of green-field run-off rates, and the inclusion of a blue-green roof was encouraged. Documentation requirements were indicated.

Biodiversity

4.2.18 Given the Site's minimal existing biodiversity value, an urban greening factor of 0.4 or greater was encouraged.

Trees

4.2.19 The street tree immediately adjoining the Site is considered to contribute significantly to the character of the area as well as providing some function in mitigating air pollution. It should be retained (as is the intention).

Contaminated land

4.2.20 Given existing uses any proposal should be accompanied by a detailed contaminated land assessment.

Procedural matters

4.2.21 The pre-application advice set out the document requirements for the application as well as a list of relevant policies and supplementary guidance.

4.3 Conclusion on planning history

4.3.1 As set out in detail in the Design and Access Statement and in section 6.3 below, the scheme has been developed and refined further since the pre-application advice was received, notably in relation to the detailed design and maximising sustainability performance of the fabric and operation.

4.3.2 Appropriate assessment has been undertaken in relation to air quality and flood risk (among others) to demonstrate that the Site is suitable for

educational use. A full range of supporting technical documentation is submitted with the application.

5. PLANNING POLICY CONTEXT

5.1 Introduction

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan comprises:

- The Camden Local Plan (adopted 2017) [CLP]
- The London Plan (March 2021) [LP]

5.1.2 The Site is not identified in the Camden Site Allocations document (adopted 2013). Its replacement draft Site Allocations Local Plan [dSALP] has been the subject of public consultation and LBC is currently preparing a publication draft for formal consultation later this year. The application site is included in the dSALP as individual development site IDS20h with proposed office and residential use (and an indicative capacity of 25 units). The dSALP has very limited weight in the determination of this application and is not considered further in this Statement.

5.1.3 The National Planning Policy Framework (July 2021) [NPPF] and current National Planning Practice Guidance [NPPG] are also material planning considerations in the determination of planning applications.

5.2 Local Planning Policy

5.2.1 The main CLP policies are considered relevant to the application proposal are as follows:

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H2 Maximising the supply of self-contained housing from mixed-use schemes
- Policy H4 Maximising the supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy TC2 Camden's centres and other shopping areas
- Policy TC4 Town centre uses
- Policy C1 Health and wellbeing
- Policy C2 Community facilities
- Policy C4 Public Houses
- Policy C5 Safety and security
- Policy C6 Access for all
- Policy A1 Managing the impact of development
- Policy A4 Noise and vibration
- Policy A5 Basements
- Policy D1 Design
- Policy D2 Heritage
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development
- Policy T3 Transport infrastructure
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

5.2.2 An extract from the CLP Policies Map is shown below. The Site falls within the following designations:

- Finchley Road/Swiss Cottage Town Centre
- Secondary shopping frontage

Fig 3: Extract from CLP Policies Map

5.2.3 The boundary of the Fitzjohns/Netherhall Conservation Area is indicated in Fig 3 above. Figure 4 below shows nearby listed and locally-listed buildings. Details of these buildings are included in Appendices 4 and 5 of this statement, including listing descriptions.

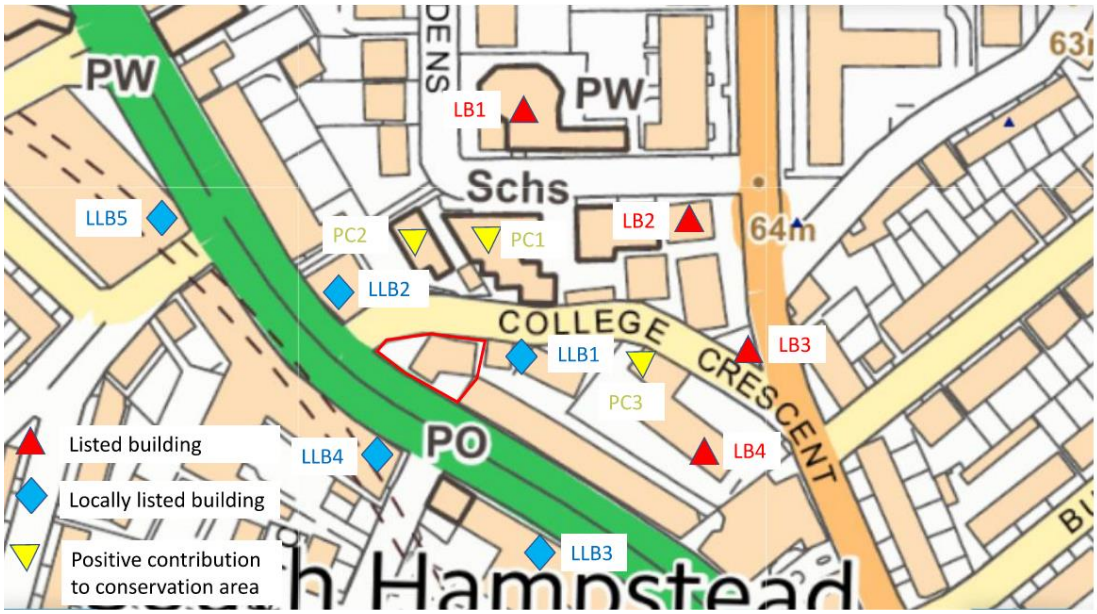

Fig 4: Listed and locally-listed buildings in the vicinity of the Site

5.2.4 The following LBC supplementary planning guidance (Camden Planning Guidance) is material to the determination of the Application:

- CPG Biodiversity (March 2018)
- CPG Developer contributions (March 2019)
- CPG Access for all (March 2019)

- CPG Air Quality (January 2021)
- CPG Amenity (January 2021)
- CPG Basements (January 2021)
- CPG Community uses, leisure facilities and pubs (January 2021)
- CPG Design (January 2021)
- CPG Energy efficiency and adaption (January 2021)
- CPG Housing (January 2021)
- CPG Transport (January 2021)
- CPG Water and flooding (January 2021)

5.3 Regional Planning Policy

5.3.1 As noted in para 5.1.3 above, it is appropriate that the proposal is considered in relation to the London Plan [LP]. The following LP policies are relevant:

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD6 Town centres and high streets
- SD8 Town centre network
- S3 Education and childcare facilities
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D12 Fire safety
- D14 Noise Policy
- HC1 Heritage conservation and growth
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T7 Deliveries, servicing and construction

5.3.2 The following Mayoral supplementary planning guidance is material to the determination of the Application:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)

- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Crossrail Funding (March 2016)
- Affordable Housing and viability (October 2017)
- Freight and Servicing Action Plan (2019)
- 'Be Seen' Energy Monitoring Guidance (September 2021)
- Circular Economy Statements (March 2022)
- Whole-life Carbon Assessments (March 2022)

5.3.3 The following Mayoral supplementary guidance is in draft form:

- Energy Assessment Guidance (April 2020)
- Urban Greening Factor (September 2021)
- Sustainable Transport, Walking and Cycling (September 2021)
- Housing Design Standards (February 2022)
- Air Quality Neutral (November 2021)
- Optimising site capacity: a design-led approach (February 2022)
- Small site design codes (February 2022)
- Fire Safety (February 2022)

5.4 National Planning Policy

5.4.1 National planning policy is contained in the NPPF (July 2021). At the heart of the NPPF is a presumption in favour of sustainable development (paras 10-11).

5.4.2 In making decisions on planning applications:

> *Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.* [NPPF para 38]

5.4.3 The NPPF requires LPAs to consider the housing needs of specific groups, including students, in terms of size, type and tenure and to bring in appropriate policies (para 62). Para 65 requires a minimum of 10% affordable homes in major development.

5.4.4 The NPPF sees good design as fundamental to good planning:

> *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...* [NPPF para 126]

5.4.5 In relation to schools, the NPPF promotes choice and availability of access to school place, including giving:

> *great weight to the need to create, expand or alter schools through … decisions on applications* [NPPF para 95a)]

5.4.6 The NPPF sets out the general approach to development and pollution, including ground contamination (para 183), health and living conditions (185), and air quality (186).

5.4.7 In relation to heritage, the NPPF promotes a positive approach to conservation (para 190), including:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; …
c) the desirability of new development making a positive contribution to local character and distinctiveness; [NPPF para 190]

5.4.8 In determining applications:

… local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. [para 194].

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. [para 195].

6. ASSESSMENT OF THE PROPOSAL

6.1 Introduction

6.1.1 As outlined in Section 2, the application seeks planning permission for the following development:

> *Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space (Class E/F1), and 31 x residential apartments above.*

6.1.2 The main issues to be considered in respect of this application are:

- Principle of development (including school use and affordable housing viability) (section 6.2)
- Design (including internal daylight and sunlight, fire safety) (6.3)
- Neighbour amenity (daylight and sunlight) (6.4)
- Energy and sustainability (and health impact) (6.5)
- Air quality (6.6)
- Noise (6.7)
- Transport (6.8)
- Flood risk and surface water drainage (6.9)
- Structural feasibility and contamination (6.10)
- Ecology and biodiversity (6.11)

6.1.3 Section 7 comprises a Heritage Statement, assessing the impact of the scheme on its heritage context.

6.2 Principle of Development

Relevant CLP policies and CPG:

- *G1 Delivery and location of growth*
- *H1 Maximising housing supply*
- *H2 Maximising the supply of self-contained housing from mixed-use schemes*
- *H4 Maximising the supply of affordable housing*
- *H6 Housing choice and mix*
- *H7 Large and small homes*
- *TC2 Camden's centres and other shopping areas*
- *TC4 Town centre uses*
- *C1 Health and wellbeing*
- *C2 Community facilities*
- *CPG Housing (January 2021)*
- *CPG Community uses, leisure facilities and pubs (January 2021)*
- *CPG Transport (January 2021)*

Relevant LP policies and guidance:

- *GG2 Making the best use of land*
- *GG4 Delivering the homes Londoners need*
- *GG5 Growing a good economy*
- *SD6 Town centres and high streets*
- *SD8 Town centre network*
- *S3 Education and childcare facilities*
- *Housing (March 2016)*

Relevant national policy:

- *NPPF 62, 65, 95a)*

6.2.1 The application is supported by the following documents:

- Letter of support from UCSPP Headmistress Zoe Dunn
- Hampstead Fuel Station Analysis (Alexander James)
- Viability Report (James Brown)

6.2.2 The thrust of CLP policy listed above is to make housing the priority land use, making best use of sites, including mixed-use schemes (CLP H1 and H2), maximizing affordable housing (CLP H4), and providing the right mix of units (CLP H6 and H7). The dSALP designation for housing (and offices), albeit of limited weight, is also indicative of LBC's intentions

6.2.3 The inclusion of offices also suggests a flexible interpretation of the secondary shopping frontage and the usual requirement to include commercial space (CLP Policy TC2). That said, the changes to the use Class Order (July 2020) have effectively made this policy redundant.

6.2.4 Policy relevant to the proposed educational floorspace is contained in CLP Policy C2 in particular.

6.2.5 Section 10 of CPG Transport notes that the Site is one of four PFS in the Borough. It goes on to state:

> *10.2 The Council strongly supports car-free development and our Transport Strategy aims to reduce car use and ownership throughout the borough. However, we recognise that existing petrol stations serve essential car users and may have a role in supporting the transition from petrol and diesel vehicles to low emission vehicles (e.g. electric) and automated vehicles. Where there is a proposal to redevelop an existing petrol filling station, the Council will expect the impact on the road network (e.g. vehicle miles travelled) and the Borough's residents to be thoroughly examined. This should include considering the number of visits to an existing petrol station as well as mapping of alternative facilities, including any supermarkets that supply petrol.*
>
> *10.3 The Council will support proposals enabling the continued operation of the borough's petrol filling stations for the refueling of vehicles as the principle* [sic] *use of the site (Sui Generis). This could include remodeling to facilitate new technologies such as electric vehicle charging points and the provision of other low emission fueling options such as hydrogen.*

Commentary and assessment

Loss of PFS

6.2.6 The February 2022 pre-application advice noted that the proposed uses were acceptable in principle, subject to justification for loss of PFS in line with CPG Transport (as set out above).

6.2.7 The submitted Hampstead Fuel Station Analysis (Alexander James) notes that there has been a 24.1% reduction in overall fuel sales between year/end 2016 and year/end 2022. This is against a background growth of 4.8% across all UK PFS sites. The Analysis notes that this particular site has limited scope for expanding its store or accommodating multiple

fuelling types (eg EV), while at the same time experiencing a swifter decline in traditional fuel sales with the advent of the ULEZ and its proposed expansion to the whole of London next year.

6.2.8 The Analysis goes on to examine alternative PFS facilities and notes the convenience of the nearby Wellington Road BP site in St John's Wood and its more generous layout. There are ample nearby PFS facilities on major routes and there is no suggestion that additional vehicles miles will result from motorists seeking to purchase fuel. Indeed, the submitted Transport Statement notes that:

> *It is widely accepted that vehicle trips to petrol stations are largely a result of people 'passing by' the PFS and stopping to purchase fuel before continuing their journey. A PFS generates low levels of 'primary trips', which are trips with the sole purpose of only visiting the PFS.* [para 5.8]

6.2.9 In any case, the development is car-free and there will be a substantial decrease in vehicular trips.

6.2.10 The Analysis concludes:

> *Taking into account the number of alternative re-fuelling stations and their relative proximity and capacities, in my opinion there will be sufficient available alternative re-fuelling options for ICE* [internal combustion engine] *vehicle drivers, particularly when factoring in the likelihood of further decreased demand for traditional fuels over the next two to three years ...*

6.2.11 The loss of the PFS therefore is acceptable in terms of the CPG Transport guidance.

GF retail use

6.2.12 As noted above, the Site is located within the Finchley Road/Swiss Cottage Town Centre and a designated secondary shopping frontage. CLP Policy TC2 seeks to protect the role and retail offer of town centres and protect retail frontages in line with CPG guidance for individual centres. CLP TC4 seeks to ensure that a range of use contributes to a centre's character and function. CPG sets a minimum level of 50% non-retail (formerly A1) uses within secondary shopping frontages in Finchley Road/Swiss Cottage (CPG para 4.42).

6.2.13 The February 2022 pre-application advice indicated that a residential-led redevelopment of the PFS site would be acceptable, subject to suitable replacement of commercial premises. The revised scheme includes an element of lower ground floor commercial use, creating an active frontage.

6.2.14 The secondary frontage between the Site and 1 New College Parade has almost exclusively uses that would now fall under Class E. The introduction of at least one additional commercial unit would serve to strengthen the retail offer in this secondary frontage.

Educational use

6.2.15 The application proposes an educational use of the eastern part of the lower ground floor; the commercial use is sought as an alternative should the school proposal not proceed.

6.2.16 This use would not infringe the CPG requirement (para 4.42) that 50% retail uses be retained in secondary frontages. The CPG (p59) notes the barrier caused by the Finchley Road between the two sides of the centre. The Site is located between the primary frontage around Northways Parade and is on a strong pedestrian route between Swiss Cottage to the S and the O2 Centre to the N. While less active, the school use will nevertheless create visual interest in this context and reduce the barrier to movement that the PFS imposes.

6.2.17 CLP Policy C2 provides general support for educational uses including for educational bodies seeking to enhance their operations (C2e). The supporting text notes that:

> *Hampstead and Belsize Park have a very high concentration of schools where significant issues exist concerning the 'school run'. We 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.* [CLP para 4.33]

6.2.18 USCPP has a current approved capacity of 108 pupils (2FE in forms of 18 boys aged 4-7). Its premises are cramped and poorly laid out: expansion into the lower ground floor of 104A Finchley Road would enable the accommodation and learning environment to be significantly improved. There can be no expansion in pupil numbers as this is itself limited by the intake to the UCS Junior School. There is opportunity, however, to improve the access on College Crescent, reducing conflict with other pedestrians. The UCSPP operates a highly effective school travel plan

drawn up in close collaboration with the LBC travel plan officer. This meets the exception test set out in CLP para 4.33.

6.2.19 The application is accompanied by a letter of support from the school, setting out the important benefits in terms of space and improved air quality that the additional space on the Site will bring (see also Appendix 2).

6.2.20 The proposed educational use also accords with the general support provided by LP Policy S3, while also meeting the specific requirements of locating schools in accessible locations (B2) and with entrances away from busy roads (B3).

6.2.21 The February 2022 pre-application advice, however, noted a concern whether an educational use on the GF would be acceptable in terms of air quality and flood risk. These issues are addressed in detail in sections 6.9 and 6.6 respectively below. Importantly, the submitted Flood Risk Assessment concludes that there is minimal surface water flood risk on this Site. And there is a robust approach to AQ through the use of a sealed façade with MVHR and air intake away from the Finchley Road frontage.

Housing, including mix

6.2.22 The February 2022 pre-application advice welcomed the inclusion of housing, strongly supported the inclusion of affordable housing and welcomed the proposed mix of unit sizes. Housing is the priority use for LBC and a range of policies – notably CLP Policies H1 and H2 and LP Policy GG4 – reflect this.

6.2.23 CLP Policy H7 requires residential developments to provide a range pf homes of different sizes, large and small (3+ bedrooms/2 bedrooms or fewer) and sets out dwelling size priorities (Table 1 at CLP para 3.189). The following table (Fig 5) compares these requirements with the application proposal:

	1B/studio	***2B***	***3B***	***4B+***
Social-affordable rent	lower	high	high	medium
Intermediate	high	medium	lower	lower
Market	lower	high	high	lower
Application (#/%)	***12 (39%)***	***15 (48%)***	***4 (13%)***	-
	medium	***high***	***lower***	-

Fig 5: Proposed housing mix

6.2.24 The mix the subject of pre-application discussions was very similar to this and the February 2022 advice was that "this would be an appropriate mix in line with this policy." The minor subsequent changes to the mix do not

alter this conclusion, noting that the scheme was designed to incorporate affordable housing, even though this is not viable (see below).

6.2.25 Four of the 2B units (one on each floor) are designed to be wheelchair adaptable – ie under Part M4(2)(2a).

Affordable housing

6.2.26 CLP Policy H4e sets an affordable housing target of 50% for developments with 25 or more dwellings. As presented at pre-application stage and as designed, the application scheme is tenure blind, with the prospect of the 1F accommodation (accessed from College Crescent) providing affordable housing; this floor includes a different mix of units accordingly. There is a common entrance to the residential accommodation at this level.

6.2.27 The pre-application submission noted that such provision was dependent on an assessment of viability: there are extraordinary construction costs involved in this development given the presence of the Metropolitan line running beneath the site and this was expected to limit the ability to meet policy requirements in this regard.

6.2.28 The Viability Report prepared by James Brown assessed the viability of the scheme with the 1F (5 units) in shared ownership. This showed the scheme falls short of being viable. Even a scheme without any affordable housing would fall short of full viability.

6.2.29 It is proposed therefore that no affordable housing be included and no payment in lieu would be payable. Clearly this will need to be considered by the LPA's own consultant but it is clear that the application meets the tests set out in CLP Policy H4o. as follows:

> *In considering whether affordable housing provision should be sought, whether provision should be made on site, and the scale and nature of the provision that would be appropriate, the Council will also take into account: ...*
>
> *o. <u>the economics and financial viability of the development including any particular costs associated with it</u>, ...* [emphasis added]

Conclusion on the principle of development

6.2.30 The redevelopment of this PFS site is acceptable in terms of CPG Transport: the location within the ULEZ and its limited size make if difficult to remain viable and sales are steadily declining. There are other PFS facilities nearby and it is most unlikely that the diversion of its

predominantly passing trade would result in in additional car journeys on the highway network.

6.2.31 The GF commercial use would serve to strengthen this part of the secondary shopping frontage within the Finchley Road/Swiss Cottage town centre.

6.2.32 The alternative GF educational use would provide much-needed additional space for the adjoining UCSPP school but without any increase in pupil numbers. It will enable the school to remain in its current highly-accessible location. Concern raised at pre-application stage relating to surface water flood risk is not borne out by the FRA (see section 6.9). Similarly, a high level of AQ for the school is achieved (see also section 6.6).

6.2.33 Housing is a priority for LBC and CLP and LP policy. The scheme will provide 31 additional dwellings and the proposed mix of units accords with policy requirements. While designed to be tenure blind, the proposal cannot support any affordable housing: even the inclusion of five shared ownership units would make the scheme unviable.

6.2.34 In summary, therefore, the proposal aligns with the objectives of the CLP and LP in providing additional housing and CLP Policies H1, H2 and H7, and LP Policy GG4. The loss of the PFS is acceptable in terms of CPG Transport tests. The inclusion of GF retail uses meets the requirements of CLP TC4 and CPG. The educational use is an appropriate one in the town centre and its expansion accords with CLP C2.

6.3 Design

Relevant CLP policies and guidance:

- *H1 Maximising housing supply*
- *H6 Housing choice and mix*
- *H7 Large and small homes*
- *C6 Access for all*
- *D1 Design*
- *CPG Access for all (March 2019)*
- *CPG Amenity (January 2021)*
- *CPG Design (January 2021)*

Relevant LP policies and guidance:

- *GG2 Making the best use of land*
- *D4 Delivering good design*
- *D5 Inclusive design*
- *D12 Fire Safety*
- *D6 Housing quality and standards*
- *Planning for Equality and Diversity in London (October 2007)*
- *Character and Context (June 2014)*
- *Accessible London: Achieving an Inclusive Environment (October 2014)*
- *Housing (March 2016)*
- *draft Housing Design Standards (February 2022)*
- *draft Optimising site capacity: a design-led approach (February 2022)*
- *draft Small site design codes (February 2022)*
- *draft Fire Safety (February 2022)*

Relevant national policy:

- *NPPF para 126*

6.3.1 The application is supported by a Design and Access Statement prepared by the architects tp bennett. Several other documents accompanying the application are relevant to design but the issues raised are considered in detail elsewhere:

- Structural Feasibility Study (Parmarbook) – see section 6.10
- Energy Statement (wme) incorporating Overheating Assessment (BuildEnergy) – see section 6.5
- Sustainability Statement, BREEAM Pre-Assessment, Whole Life Carbon Assessment and Circular Economy Statement (wme) – see section 6.5

- Flood Risk Assessment and Surface Water Drainage strategy (Robert West) – see section 6.9
- Internal Daylight & Sunlight Adequacy Report (DPR) – see also section 6.4
- Residential Noise Assessment (Entran) – see section 6.7
- Air Quality Assessment (wme) – see section 6.6
- Fire Statement (Clarke Banks)

6.3.2 Heritage matters are relevant also: these are addressed in detail in the Heritage Statement at section 7.

6.3.3 The NPPF sees good design as fundamental to good planning:

> *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* [NPPF para 126]

6.3.4 This advice is reflected in a wide range of CLP and LP design policies and guidance, as listed above. In summary, these promote inclusive and high-quality design that responds positively to its context with appropriate detail and provision of landscaping and good quality public realm.

6.3.5 The DAS describes the Site and its context, including its physical constraints (the London Underground tunnel), heritage constraints, local townscape and architectural precedent, local views, and orientation, sunlight and aspect.

6.3.6 The DAS summarises the evolution of the design proposals, from an original residential-led scheme, to a hotel scheme (the subject of DRP scrutiny in January 2020), and subsequent resurrection of a residential-led mixed use scheme. Importantly, this process shows how an overall acceptable scheme – in terms of scale, massing and approach to materials – has been established through pre-application discussions with LBC officers.

6.3.7 The DAS then goes on to describe the application proposal and how it fits in this context, including by reference to diagrammatic streetscene images. The approach to elevational treatment and materials has been informed by both context and DRP advice.

6.3.8 Importantly, the DAS describes in detail how the proposed school use at GF level will integrate with the existing school operations in 36 College Crescent and how the existing school entrance at that level will be vastly improved.

6.3.9 The input from other key technical consultants is described, including on daylight and sunlit, overheating, acoustics, transport and designing out crime.

Commentary and assessment

Scale and massing

6.3.10 The latest proposals take on board pre-application advice in relation to the site's heritage context provided by the Fitzjohn's Netherhall Conservation Area to the rear and the adjoining locally listed buildings at 36 College Crescent and the North Star PH. They also reflect the positive and helpful comments of the DRP from January 2020 in seeking to adjust the massing – away from the adjoining buildings and more on the apex of the site – and in terms of a more unified design detail on both principal frontages.

6.3.11 All units are either south-facing or dual aspect. Private outdoor amenity space is provided for all units.

6.3.12 Importantly, the approach responds to the Site's significant air quality and noise constraints, while also achieving an appropriate level of internal amenity in terms of heat and light; more detail on this is provided in section 6.5.

Architectural treatment/structural constraints

6.3.13 As acknowledged at the January 2020 DRP, development here is heavily-constrained by the presence of London Underground tunnel and nearby sewers passing under the front part of the Site. More detail on the approach is set out in section 6.10.

Quality of the accommodation – space standards

6.3.14 The residential accommodation will meet the requirements of the Council's residential development standards (Interim Housing CPG), as well as the requirements of Policy H6 of the CLP which refers to the (DCLG Technical housing standards) – nationally defined space standard.

6.3.15 Four of the 2B units (13%) would be wheelchair adaptable to Part M4(2)(2a) standards.

Quality of the accommodation – DSL

6.3.16 The submitted Internal Daylight & Sunlight Adequacy Report uses the assessment methodology recommended in the Building Research Establishment (BRE) Report 209, 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (third edition, 2022) ("the BRE guide"). It compares the daylighting results with the previous well-known 2011 guide (ADF) as this is where the main changes to standards are evident in the 2022 guidance.

6.3.17 Relevant policy on DSL is summarised in section 6.4 below in relation to neighbour amenity: much of the policy approach relates also to the standard of light for intended occupiers, including the balance with the need to make efficient use of land and the need for a flexible approach overall.

6.3.18 The analysis demonstrates very good compliance with the recently superseded 2011 BRE Guidance and good compliance adopting the illuminance target criteria set by the 2022 BRE Guide. The level of adherence drops when measured against the new target criteria but there is still a good level of compliance overall – particularly if a target of 1.5% (as opposed to 2%) is utilised for open plan LKD.

6.3.19 The sunlight analysis demonstrates that all main living rooms with at least one window facing within 90^0 of due south will achieve the target assessment criteria. The analysis also demonstrates that only a single unit on each floor will fail to contain at least one habitable room which should receive at least 1.5hours of sunlight on 21 March.

6.3.20 Overall, the conclusion is that the layout of the proposed development is generally consistent with the Council's local planning policy on internal daylight adequacy. Importantly, the advent of the new Part O on overheating (with which the scheme complies) means that there is very limited scope for improving daylight conditions.

Fire safety

6.3.21 The submitted Fire Statement provides an assessment of the proposal in line with the requirements of LP Policy D12.

Conclusion on design

6.3.22 Overall, the design was strongly supported at pre-application stage and DRP. The proposals taken on board pre-application advice in relation to the site's heritage context. They also reflect the positive comments of the

DRP in terms of massing and the overall unity of approach to the design of both the Finchley Road and College Crescent frontages.

6.3.23 Importantly, the approach responds robustly to the Site's significant air quality and noise constraints while also achieving an appropriate level of internal amenity in terms of heat and light. The residential layouts achieve a good level of compliance with the new BRE 2022 guide on daylight; it is not possible to achieve better results without penalty in relation to overheating (Part O).

6.3.24 At the same time the design of the GF spaces in particular has had to respond to the structural requirements of bridging the London Underground tunnel and Thames Water sere that pass under the front part of the Site.

6.3.25 All units are either south-facing or dual aspect and achieve the national described space standard. Four units are wheelchair adaptable.

6.3.26 The supporting Fire Statement demonstrates an appropriate approach to fire safety.

6.3.27 The Development thereby accords with CLP Policies H6, H7, C6 and D1, and with LP Policies GG2, D4, D5, D6 and D12.

6.3.28 Other specific technical aspects of design are addressed elsewhere this document, including the Heritage Statement in section 7.

6.4 Neighbour amenity

Relevant CLP policies and guidance:

- *C1 Health and wellbeing*
- *CC1 Climate change mitigation*
- *CC2 Adapting to climate change*
- *H2 Maximising the supply of self-contained housing from mixed-use schemes*
- *H6 Housing choice and mix*
- *A1 Managing the impact of development*
- *CPG Amenity (January 2021)*
- *CPG Design (January 2021)*
- *CPG Housing (January 2021)*

Relevant LP policies and guidance:

- *GG2 Making the best use of land*
- *D6 Housing quality and standards*
- *SI 4 Managing heat risk*
- *Character and Context (June 2014)*
- *Housing (March 2016)*
- *draft Housing Design Standards (February 2022)*
- *draft Optimising site capacity: a design-led approach (February 2022)*
- *draft Small site design codes (February 2022)*

Relevant national policy and guidance:

- *NPPF para 125*
- *BRE Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*

6.4.1 The application is accompanied by a Neighbouring Daylight and Sunlight Report prepared by DPR.

6.4.2 It refers to the relevant policies noted above and the use in particular of the BRE good practice guidance *Site Layout Planning for Daylight and Sunlight* (3rd edition, as amended 2022). The policies are a balance between making best use of land and minimising adverse impacts on neighbouring amenity.

6.4.3 LP Policy D6(C) states that:

> *The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is <u>appropriate for its</u>*

context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. [emphasis added]

6.4.4 These aims are balanced by the need to make efficient use of land (LP Policy GG2 and NPPF para 125). The latter seeks to "ensure that developments make optimal use of the potential of each site", stating that:

> *… local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).* [NPPF para 125 c), emphasis added]

6.4.5 Indeed, the introduction to the BRE Guide states:

> *The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design… In special circumstances the developer or planning authority may wish to use different target values. For example, … in an area with modern high rise buildings, a high degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings…* [emphasis added]

6.4.6 Similar policies are found in the LP: Policy GG2 seeks to make the best use of land; LP D3 optimises site capacity through a design-led approach; Housing SPG promotes flexible application of the BRE Guide. LP D6 on the other hand promotes housing quality including providing sufficient daylight and sunlight; this is reflected in the detailed draft Housing Design Standards guidance.

6.4.7 CLP Policies H2 and H6 promote housing development while also creating an acceptable level of amenity. CLP A1f protects amenity including in relation to sunlight, daylight and overshadowing. CPG Amenity both promotes use of the BRE Guide and its flexible application. CPG Housing also promotes application of the BRE Guide. Flexibility of application despite material impacts on daylight has been strongly supported through a recent appeal decision in Tower Hamlets.

Commentary and assessment

6.4.8 Following receipt of the DRP comments in January 2020, the massing of the development has been adjusted to provide greater set back above 1F from the adjoining buildings to the E while increasing massing on the W apex of the site.

6.4.9 The DSL Report assessed daylight and sunlight against the BRE Guidance for the following neighbouring properties:

- 36 College Crescent
- 1-15 College Crescent
- 13-16 New College Parade (all to the E)
- Harrold House (Harben Parade)
- 167, 167a, 169, 169a, 171, 171a. 173, 173, 173a, 175 & 177 Fairfax mansions (to the SW)
- 104 Finchley Road (to the NW)

6.4.10 With respect to daylight (VSC/vertical sky component and NSL/no sky line) 96% of windows in these properties would satisfy the VSC guidelines and 98% of rooms would satisfy the NSL guidelines. This is considered a very high level of compliance with the BRE guide. The properties that would not meet the guidelines are 36 College Crescent, 13-16 new College Parade and 104 Finchley Road.

6.4.11 All rooms in neighbouring properties met the BRE guidelines in relation to sunlight (annual and winter PSH).

6.4.12 Both the adjoining Holy Trinity CofE School playground and the South Hampstead MUGA comfortably satisfy the BRE Guide for "sun on the ground."

6.4.13 The accommodation is designed to avoid impact on the amenity of adjoining occupiers, notably the residential uses above the UCS Pre-Prep School at 36 College Crescent and the upper floors of 17-18 New College Parade on Finchley Road. This will be explored in more detail in a daylight and sunlight analysis to be submitted with any planning application

Conclusion on neighbour amenity

6.4.14 Overall, there is a very good level of compliance with the BRE Guidelines in terms of impact son neighbouring amenity with only very isolated instances of infringement. The DSL Report concludes as follows:

... the layout of the proposed development is consistent with the Council's local planning policy on daylight and sunlight, particularly having regard to paragraph 123(c) of the National Planning Policy Framework and paragraphs 1.3.45 and 1.3.46 of the Mayor of London's Housing SPG.

6.4.15 The Development accords with the requirements of LP Policy GG2 and D3 while also meeting relevant DSL standards in accordance with LP D6. It also meets the aims of CLP H2, H6 and A1f in this regard, as well as reflecting CPG guidance.

6.5 Energy and Sustainability

Relevant CLP policies and guidance:

- *CC1 Climate change mitigation*
- *CC2 Adapting to climate change*
- *CPG Energy efficiency and adaption (January 2021)*

Relevant LP policies and Mayoral guidance:

- *GG6 Increasing efficiency and resilience*
- *SI 2 Minimising greenhouse gas emissions*
- *SI 3 Energy infrastructure*
- *SI 4 Managing heat risk*
- *SI 7 Reducing waste and supporting the circular economy*
- *Sustainable Design & Construction (April 2014)*
- *Energy Assessment Guidance (draft update April 2020)*
- *'Be Seen' Energy Monitoring Guidance (September 2021)*
- *Circular Economy Statements (March 2022)*
- *Whole-life Carbon Assessments (March 2022)*
- *draft Energy Assessment Guidance (April 2020)*

Relevant national policy:

- *NPPF chapter 14*

6.5.1 The application is supported by the following documents:

- Energy Statement (wme) incorporating Overheating Assessment (BuildEnergy)
- Sustainability Statement (wme)
- Whole Life Carbon Assessment (wme)
- Circular Economy Statement (wme), including a pre-demolition waste audit (Sustainable Construction Services)
- BREEAM Pre-Assessment (wme)
- Health Impact Assessment pro forma (tpb)

6.5.2 Other documents (FRA, BNG report) provide inputs to these assessments.

6.5.3 NPPF states that "the planning system should support the transition to a low carbon future in a changing climate" [para 152]. This is reflected in a range of local policies, as set out above, and related guidance.

6.5.4 Importantly, LP Policy SI 2 promotes net zero carbon development through application of the energy hierarchy (be lean/be clean/be green/be seen). It requires major development to achieve a minimum 35% on-site carbon

saving, of which, for non-residential development, 15% should be through energy efficiency measures.

6.5.5 Beyond this, where zero carbon cannot be achieved on-site, any shortfall should be the subject of a carbon off-set payment.

6.5.6 Account is also required to be taken of non-regulated emissions. Applications referable to the Mayor should calculate whole life-cycle carbon emissions through a recognized assessment.

6.5.7 LP SI 4 requires proposals to minimise adverse heat impacts and demonstrate how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with a cooling hierarchy.

6.5.8 LP SI 5(C) promotes water use minimisation, including, for commercial development, achievement of BREEAM excellent rating on the relevant credit Wat01.

6.5.9 CLP Policy CC1 requires all development to minimise the effects of climate change and achieve the highest feasible environmental standards, including meeting LP targets for carbon emissions.

6.5.10 CLP CC2 promotes resilience to climate change through reducing surface water runoff (CC2b), incorporating bio-diverse roofs (CC2c), preventing overheating (CC2d), and setting out how sustainable design and construction will be adjudged (including minimum BRREAM excellent for schemes over 500m^2).

Commentary and assessment
Sustainability

6.5.11 The February 2022 pre-application advice set out detailed pro forma requirements for the residential and non-residential elements of the proposal. These are fully addressed in the submitted documents. At the same time it is important to stress that the applicant has asked the design team actively pursue RIBA 2030 targets for the development: while the water targets have not proved feasible (owing to the tight site configuration) the other aspects of these targets have been taken forward.

6.5.12 The submitted Sustainability Statement summarises the approach to energy and related aspects of overheating and air quality, sustainable drainage, biodiversity net gain and BREEAM. The development's sustainable design features include: the use of ASHP and roof-top PV: blue/green roof and surface water attenuation; suitable recyclable waste

storage; high levels of thermal insulation; achievement of new Part O requirements around overheating (with MVHR) – balanced against achieving good levels of internal air quality, noise and light.

6.5.13 The energy aspects of the Development are set out below; other technical aspects (air quality, flood risk and drainage) elsewhere. The Statement also presents the proposals for water use reduction.

6.5.14 The HIA pro forma provides an alternative summary of the sustainability credentials of the Development in terms of its health benefits.

Energy

6.5.15 The Energy strategy has been developed to provide a quality built environment, focusing on the comfort of the occupants as well as the Whole Life Cost (WLC) considerations of life cycle analysis, value for money, benefits to the environment, and their social impact. While not referable to the Mayor, CLP policy and pre-application advice made clear the need to meet or exceed LP requirements.

6.5.16 The overheating risk assessment has led to a refinement in the fenestration, to provide effective natural ventilation solutions, supported by a mechanical ventilation heat recovery unit that boosts to provide enhanced air change rates to the dwellings, reducing the need for openable windows (but allowing for purge ventilation), and using triple glazing.

6.5.17 Heating is provided by a low temperature hot water system driven by roof-top ASHP. This is supplemented by PV though limited by the structural constraints alongside delivery of a bio-diverse/blue roof).

6.5.18 The results are summarised below (Figs 6 and 7). There is 76% reduction in regulated carbon emissions far exceeds the minimum requirement of LP SI 2 (35%) and the minimum 15% saving by efficiency measures alone (here it is 22%).

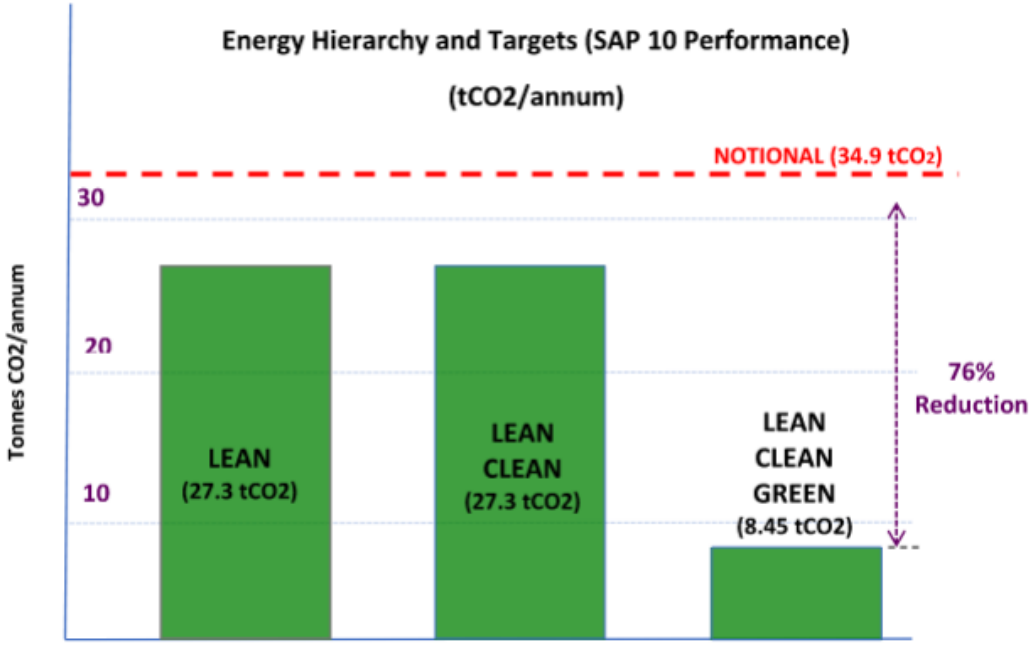

Fig 6: Summary carbon savings

	CO2 emissions (tonnes per annum)	
	Regulated	Unregulated
Notional	34.9	24.01
Be Lean	27.3	24.01
After Clean	27.3	24.01
After Green	8.43	24.01

	Regulated CO2 emissions (tonnes per annum)	
	Regulated	% savings
Savings from Lean	7.55	21.64
Savings from Clean	0	0
Savings from Green	18.91	54.20
Cumulative Savings	26.45	75.83

Fig 7: Summary carbon savings – CO2 emissions tables

6.5.19 Beyond this, to achieve zero carbon, LP SI 2 requires the shortfall be the subject of a carbon off-set payment. This is summarised in the table below (Fig 8):

Carbon Target (tCO2/annum)	0
Carbon Emissions (tCO2/annum)	8.43
Financial Contributions	£95/year/ tCO2 over target
Time Scale	30 years
Total Financial Contributions	£24,026

Fig 8: carbon off-set payment calculation

BREEAM

6.5.20 CLP Policy CC2 Adapting requires non-domestic developments of 500m^2 or above to achieve BREEAM Excellent (>/= 70%). CPG Energy Efficiency and Adaptation also asks for minimum credit requirements under Energy (60%), Materials (40%) and Water (60%).

6.5.21 The submitted BREEAM pre-assessment presents the intended approach to the two commercial GF spaces on this Site. The commercial spaces is assessed under BREEAM 2018 New Construction: Commercial Scheme (noting that this is being designed only to shell and core at this stage), whilst the school use is assessed under BREEAM 2018 New Construction: Education Scheme. The schemes will be registered with BRE at the next design stage.

6.5.22 The two spaces are proposed to achieve a combined BREEAM score of 71.76% (excellent) based on a conservative approach and reasonable expectations and including the minimum requirements of CP on energy and materials. The minimum water requirement is not met given the design only to shell and core for the commercial unit. Stretch targets are available to take the score to 77.81.

6.5.23 The BREEAM score reflects an emphasis on targeting credits within the materials and waste sections. As noted above, both the client's aspirations around RIBA 2030 targets and policy requirements have resulted in the design team closely examining circular economy principles as part of the design – material efficiency and durability, pre-demolition requirements, waste and recycling targets, operational waste management, and longevity and adaptability.

6.5.24 The submitted Circular Economy Statement sets out the strategy that has been followed in these matters, including a pre-demolition audit. While not referable to the Mayor and not strictly an application requirement, this approach very much aligns with LP Policy SI 7 which promotes waste reduction and "a more circular economy that improves resource efficiency and innovation …" (SI 7 A1)) while also designing for adequate and adaptable waste storage systems (A6)). The Statement closely follows

the Mayor's Circular Economy Statement guidance and will be updated through the design process.

6.5.25 Applications referable to the Mayor are required to undertake life-cycle carbon assessment (Policy SI 2 F). CPG Energy Efficiency and Adaption also requires this. The application is supported by a Whole Life Carbon Assessment accordingly and this closely follows the related Mayoral guidance.

6.5.26 The outcomes are driven in part by the energy strategy: the efficiencies achieved in operational carbon mean that the need to drive down embodied becomes proportionately more significant. Using the One-Click LCA software an estimate has been made of overall carbon emissions for the materials used in the proposed development. The results are preliminary only, but a baseline carbon emission figure of 668kgCO_2/m^2 has been derived. This is likely to be an underestimate but opportunities to reduce embodied carbon through material replacement, optimisations in the design and the specification of materials with a percentage of recycled content will be taken at a later stage.

Conclusion on energy and sustainability

6.5.27 The Development achieves a 76% reduction in carbon emissions over Part L, above the 35% required by LP Policy SI2 and CLP CC1.

6.5.28 The remaining modest shortfall in carbon reduction will be the subject of a carbon off-set payment.

6.5.29 The BREEAM pre-assessment shows a base case target of BREEAM excellent with a credit score of 71.76% and a stretch target of 77.81%. This meets the requirements of CLP CC2.

6.5.30 Allied to this is the pursuit of circular economy principles (as required by LP Policy SI7) and whole life carbon assessment to target reduction in embodied carbon (LP SI2 and CPG): this has strongly informed the design process and will continue to do so at future stages.

6.5.31 The Development has fully-integrated sustainability considerations into the design process. As a result it is compliant with the detailed energy policy requirements of LP Policies SI2 and SI4, and CLP Policies CC2 in particular. It also meets more general sustainability policy requirements through the achievement of BREEAM excellent as set out in CLP Policy CC2b-d and LP Policy SI7, and in CPG Energy Efficiency and Adaptation.

6.6 Air Quality

Relevant CLP policy and guidance:

- *CC4 Air quality*
- *CPG Air Quality (January 2021)*

Relevant LP policy and guidance:

- *SI 1 Improving air quality*
- *The Control of Dust and Emissions during Construction and Demolition (July 2014)*
- *draft Air Quality Neutral (November 2021)*
- *Mayor's Air Quality Strategy (2018)*

Relevant National policy:

- *NPPF paras 105, 174, and 186*
- *NPPG*
- *Air Quality Assessment Criteria*

6.6.1 The application is supported by the following documents:

- Air Quality Assessment (wme)
- Outline Construction Management Plan (PMA)

6.6.2 The submitted Transport Statement (PMA) and Energy Strategy (wme) are also relevant to the consideration of air quality.

6.6.3 There is a range of national, LP and local policy specifically aimed at improving air quality, including air quality objectives for NO_2 and particulates. LP Policy SI 1(B) states that development should not exacerbate existing poor air quality and promotes air quality neutrality, particularly in Air Quality Focus Areas where there is both poor air quality and high exposure to it. There is also relevant Mayoral guidance.

6.6.4 The whole of LBC is a designated Air Quality Management Area. The main pollutants are NO_2 and particulates (PM_{10} and $PM_{2.5}$), arising principally from road traffic. LBC has adopted the WHO guideline annual mean concentration limits for these: 40µg/m^3 for NO_2, 20µg/m^3 for PM_{10}, and 10µg/m^3 for $PM_{2.5}$.

6.6.5 CLP Policy CC4 seeks to ensure that development impact on air quality is mitigated (including during construction) and that exposure of occupants to poor air quality is reduced. Importantly, the policy states:

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.

6.6.6 CPG Air Quality repeats this key message, and the importance of assessing air quality for this site and mitigating exposure for occupants was highlighted in the February 2022 pre-application advice.

Commentary and assessment

6.6.7 The approach taken to the assessment of air quality has closely followed the requirements of LP Policy SI1, CLP CC4 and CPG, together with an Air Quality Neutral Assessment and a Construction and Demolition Impacts Assessment.

6.6.8 The AQA uses data from the closest monitoring station to the Site at Swiss Cottage (Camden Kerbside). In 2019 before the pandemic the data show NO_2 concentrations of 43µg/m^3, but there has been a steady decline with more recent live data showing 41µg/m^3 in 2021 and 34µg/m^3 in 2022 at present. PM_{10} levels were 17µg/m^3 in 2021 and currently sit on the baseline level of 20µg/m^3. $PM_{2.5}$ levels have been on the baseline of 10µg/m^3 since 2021. The Site is therefore subject to air pollution close to or below the WHO guideline concentrations.

6.6.9 The proposal mitigates air pollution by utilising air source heat pumps (ASHP) (not a centralised CHP system or gas boilers), driven by clean electricity for both space heating and domestic hot water. The proposal is also car-free.

6.6.10 Occupants will be protected from poor air quality through an MVHR system. Dwellings fronting Finchley Road will have air intake from the roof; those at the back will have air intake at balcony level.

6.6.11 The proposal will be Air Quality Neutral in line LP Policy SI 4 requirements.

6.6.12 The risk of dust was assessed according to a widely used method published by the Institute of Air Quality Management. Mitigation measures appropriate to the construction phase will be specified by a dust management plan to be secured by planning condition; no significant residual effects are anticipated.

Conclusion on air quality

6.6.13 In summary, the construction and operational air quality effects of the Development are considered "not significant". The proposal does not conflict with national, regional or local air quality policies.

6.6.14 The Development will not in itself generate any significant air quality impacts in terms of transport and energy use. On this basis the Development is *air quality neutral*.

6.6.15 Subject to implementation of appropriate mitigation measures, the Development will not give rise to significant air quality impacts from dust during the construction phase.

6.6.16 Overall, air quality impacts will not be significant. The Development meets the relevant policy tests set out in LP Policy SI 1 and CLP Policy CC4, and the guidance in CPG Air Quality and the Mayor's SPG The Control of Dust and Emissions during Construction and Demolition.

6.7 Noise

Relevant CLP policy:

- *A4 Noise and vibration*

Relevant LP policy:

- *D14 Noise Policy*

National policy and guidance:

- *NPPF paras 174, 185*
- *Noise Policy Statement for England (2010)*
- *BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings*

Other relevant technical guidance, including notably:

- *Draft Professional Practice Guidance on Planning and Noise (2016) which advocates full consideration of the acoustic environment from the earliest possible stage of the development control process, and outlines what should be taken into account in deciding planning applications for new noise-sensitive developments*
- *WHO Environmental Noise Guidelines for the European Region (2018) which sets recommendations for the outside noise levels originating from various noise sources, including transport*

6.7.1 The application is supported by the following documents:

- Residential Noise Assessment (Entran)
- Outline Construction Management Plan (PMA)

6.7.2 A key aspect of LP Policy D14 is to separate noise sensitive development (eg housing) from major sources of noise (eg road traffic); where this is not possible, then appropriate mitigating design should be provided.

6.7.3 CLP Policy A4 references Noise and Vibration Thresholds and states that:

> *We will not grant planning permission for: …*
> *b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided …*

Commentary and assessment

6.7.4 The Residential Noise Assessment assessed noise conditions through both survey data and modelling.

6.7.5 The ambient noise levels exceed guideline levels and mitigation is required. The noise levels at facades not overlooking Finchley Road achieve the BS8233 criteria with closed windows. Those overlooking Finchley Road require specific glazing and ventilation design to achieve acceptable levels of mitigation – and the Assessment sets out the required specification accordingly. It should be noted that, while windows need to be closed in order to achieve the BS 8233, they are not required to be sealed and may remain openable for rapid or purge ventilation or to be opened at the occupant's discretion. This is all accommodated in the proposed MVHR system.

6.7.6 The Assessment notes that the noise levels also exceed BS8233 criteria for external space. But it is important to stress that they are rarely achievable in many inner urban areas adjoining the strategic transport network – and this exceedance is not a reason to prevent development. Rather noise-absorbing materials will be specified (eg imperforate parapets and absorptive linings).

6.7.7 The Assessment also considers the sound levels of external fixed plant (ASHPs and VRV) at roof level. The VRV units need attenuation to reduce sound levels to mitigate impact compared with existing background noise levels (though these are for future tenant fit-out).

6.7.8 The Draft Construction Management Plan includes details of how noise levels on-site will be monitored and controlled. It also sets out the likely hours of construction operations.

Conclusion on noise

6.7.9 The submitted assessment demonstrates that the Site is capable of being designed to create an appropriate and acceptable noise environment for the proposed residential use and without impact on nearby noise-sensitive receptors.

6.7.10 Noise impacts during construction are also addressed in the Outline Construction Management Plan.

6.7.11 The Development thereby accords with the requirements of LP Policy D14 and of CLP Policy A4.

6.8 Transport

Relevant CLP policies and guidance:

- *T1 Prioritising walking, cycling and public transport*
- *T2 Parking and car-free development*
- *T3 Transport infrastructure*
- *T4 Sustainable movement of goods and materials*
- *CPG Transport (January 2021)*

Relevant LP policies:

- *T1 Strategic approach to transport*
- *T2 Healthy Streets*
- *T4 Assessing and mitigating transport impacts*
- *T5 Cycling*
- *T7 Deliveries, and guidance servicing and construction*
- *Freight and Servicing Action Plan (2019)*
- *Transport Strategy 2020 and Vision Zero for London*
- *draft Sustainable Transport, Walking and Cycling (September 2021)*

Relevant national policy:

- *NPPF paras 104, 110, 111*

6.8.1 The application is accompanied by the following documents:

- Transport Statement and Travel Plan (PMA)
- Outline Delivery and Servicing Management Plan (PMA)
- Draft Construction Management Plan (PMA)

6.8.2 NPPF para 104 promotes the integration of development and sustainable travel. Para 110 requires development proposals to consider the opportunities for sustainable travel and mitigate any impacts. Para 111 states:

> *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

6.8.3 LP Policy T2 promotes the principle of Healthy Streets, including measures to improve health and reduce health inequalities; reduce car dominance, ownership and use, road danger, severance, vehicle emissions and noise; increase walking, cycling and public transport use; and to improve street safety, comfort, convenience and amenity.

6.8.4 T4 sets out the Mayor's requirements around the assessment and mitigation of transport impacts. LP T5 is concerned with cycling, including cycle parking (including setting out minimum standards and specifying design standards). T7 relates to deliveries, servicing and construction.

6.8.5 CLP Policy T1 prioritises walking, cycling and public transport. T2 promotes car-free development, and T4 promotes sustainable movement of goods and materials. Additional guidance is provided in CPG Transport.

Commentary and assessment

6.8.6 The submitted Transport Statement notes that the Site is highly-accessible by public transport with a PTAL of 6b (excellent). The accessibility of the site to bus, underground, national rail and cycle networks is described.

Car-free

6.8.7 The scheme is car-free in line with CLP Policy T2. There is no requirement for on-site disabled parking. The new flats and commercial premises will be exempt from obtaining permits for the adjoining CPZ (secured by way of obligation). There are some 84 car club vehicles available within one mile of the Site.

Cycle parking

6.8.8 Cycle parking for the residential accommodation will be provided at first floor level to accord with CLP Policy T1 requirements and the London Cycling Design Standards: 58 spaces (including one accessible space, 25 Sheffield stand spaces, 32 two-tiered), plus two for visitors.

6.8.9 The commercial unit requires two long-stay spaces and these would be provided within the unit. Five Sheffield stands are proposed on the Finchley Road footway to provide visitor cycle parking when the existing vehicular accesses are removed (subject to TfL/s278 agreement).

6.8.10 The UCSPP use of the other part of the GF would not require additional cycle parking as the proposal involves no increase in pupil and staff numbers. However, in the event the school use did not proceed and the alternative E use did), then the unit can accommodate two long-stay spaces within the building and a further 9 Sheffield stands (18 spaces) could be provided on Finchley Road for visitors.

Access, deliveries and servicing

6.8.11 The proposals would enable a welcome improvement to the school pedestrian entrance on College Crescent.

6.8.12 An Outline Delivery and Servicing Plan has been prepared to demonstrate that the Development can be serviced appropriately and safely. There are two nearby red route loading bays, one 40m to the E, the other on College Crescent. Given the modest scale of development proposed, these are adequate to serve the development. A full DSP will likely be secured by planning condition.

6.8.13 Residential refuse collection can take place from College Crescent. The UCSPP waste will continue to be collected from College Crescent also. Commercial waste will be collected privately.

Trip generation

6.8.14 The Statement sows that the existing PFS generates some 2,280 vehicle trips on a typical weekday.

6.8.15 It states that there would be no new trips generated by the new commercial unit or the UCSPP use. It estimates from TRICS and Census data that the residential use would generate perhaps 107 trips/day, the vast majority by public transport and none by car as a driver or passenger. The removal of up to 2,280 vehicular trips represents a substantial improvement in terms of highway capacity, safety and neighbouring amenity as a result of the development.

Travel Plan

6.8.16 The Statement incorporates a Travel Plan. The UCSPP has an existing STARS compliant School Travel Plan and this will remain in place.

6.8.17 While the scale of both commercial and residential development falls below the threshold for requiring a Travel Plan, the document nevertheless sets out how sustainable travel will be promoted to future occupiers.

Construction management

6.8.18 The Draft Construction Management Plan comprises the duly completed LBC pro forma. A full CMP will be secured by condition or obligation in due course.

Conclusion on transport

6.8.19 The transport effects of the Development have been assessed in accordance with LP and CLP policies.

6.8.20 Importantly, the scheme is car-free. It will remove some 2,280 vehicular trips from the local road network. Full cycle parking is provided to LCDS

requirements, including visitor spaces to be provided on the Finchley Road frontage.

6.8.21 Overall, the Development would have no transport impacts that might warrant refusal on highways grounds (NPPF para 111 refers) and it accords with CLP Policies T1, T2, T3 and T4 and CPG Transport, and with LP Policies T1, T4, T5 and T7.

6.9 Flood Risk and Surface Water Drainage

Relevant CLP policies:

- *CC3 Water and flooding*
- *CPG Water and flooding (January 2021)*

Relevant LP policies:

- *G5 Urban greening*
- *SI 12 Flood risk management*
- *SI 13 Sustainable drainage*

Relevant National policy:

- *NPPF*
- *NPPF Technical Guidance*

6.9.1 The application is accompanied by a Flood Risk Assessment prepared by Robert West; it incorporates LBC's Flood and SUDS pro formas.

6.9.2 LP Policy SI 12(C) states:

> *Development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.*

6.9.3 LP Policy SI 13(B) sets out further detail:

> *Development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the following drainage hierarchy:*
> *1) rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)*
> *2) rainwater infiltration to ground at or close to source*
> *3) rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)*
> *4) rainwater discharge direct to a watercourse (unless not appropriate)*
> *5) controlled rainwater discharge to a surface water sewer or drain*
> *6) controlled rainwater discharge to a combined sewer.*
> *C Development proposals for impermeable surfacing should normally be resisted …*
> *D Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency,*

improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

6.9.4 CLP Policy A5 relates to basement development; it was cited in the pre-application advice (along with CPG) but is not relevant here as no basement is proposed. There are, however, structural issues for development on this Site arising from the below ground constraints (Metropolitan Line tunnel, sewerage): these are considered in section 6.10 below

6.9.5 CLP CC3 is relevant and states:

The Council will seek to ensure that development does not increase food risk and reduces the risk of flooding where possible.

We will require development to:
a. incorporate water efficiency measures;
b. avoid harm to the water environment and improve water quality;
c. consider the impact of development in areas at risk of flooding (including drainage);
d. incorporate food resilient measures in areas prone to flooding;
e. utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfeld run-off rate where feasible; and
f. not locate vulnerable development in food-prone areas.

Where an assessment of food risk is required, developments should consider surface water flooding in detail and groundwater flooding where applicable.

6.9.6 The February 2022 pre-application advice commented in detail on local surface water flood events and queried the suitability of the Site for a basement educational use – notwithstanding that the school and commercial uses are at GF level. It set out requirements in relation to SuDS and achievement of green-field run-off rates, and the inclusion of a blue-green roof was encouraged.

6.9.7 Matters relating to the Development's use of water (CLP Policy CC2 relates) are addressed through the BREEAM assessment (see section 6.5 above).

Commentary and assessment

Flood risk

6.9.8 The FRA shows that the Site is located within Flood Zone 1 (<0.1% annual probability of fluvial or tidal flooding). In principle, therefore, the proposed school use ("more vulnerable") is suitable in flood terms and no exception test it required.

6.9.9 There is no evidence of historic flood events in the locality on the EA maps. The LBC Surface Water Management Plan (2011) confirms the site is not located in a Critical Drainage Area. The Flood Risk Management Strategy (2011) refers to surface water flood events in the borough in 1975 and 2002, and it seems this is the likely context for the following comments in the February 2022 pre-application advice:

> *The site is located on a previously flooded street and is therefore considered to be in an area at higher local risk of flooding under Local Plan policy CC3. It was flooded in 2002 and this road is also part of the Flood Investigation for the flooding in July 2021. The site is also located adjacent to the Goldhurst Local Flood Risk Zone.*

6.9.10 The comments go on to suggest that basement schemes would not therefore be supported – but this is not a basement scheme. And it is suggested that the service access on Finchley Road could be at risk of flooding and even water "flowing in from the Finchley Road."

6.9.11 None of these comments is bourne out by the FRA. The Site is in Flood Zone 1. The risk of groundwater flooding is "low". The EA maps show the Site as having "very low" risk from surface water flooding, but there is an isolated area of "high" risk on the NE side of Finchley Road fronting the Site. But the mapping shows a flooding depth of just 300mm and velocity of 0.25m/s. Given the site topography (explained in paras 7.4-7.6 of the FRA) this would not encroach onto the Site and there is "very low" risk of surface water flooding. A Flood Risk Emergency Plan has nevertheless be included in the FRA for completeness.

Drainage

6.9.12 Given the restricted site infiltration is not a practical method for discharging surface water. Rather, the strategy is based on a restricted discharge to the Thames Water combined sewer which crosses the Site (and to where the site is currently drained).

6.9.13 This comprises surface water attenuation within blue/green roofs and drainage blankets – as encouraged in the pre-application advice. The green field run-off rate (calculated at 0.6l/s) is extremely low: the London Sustainable Drainage Action Plan allows for exceedance for storms over 1 in 30-year return period, while the Sustainable Design and Construction SPG allows for a minimum 5l/s in such circumstances. The target discharge rate of 3.1l/sec is considerably less than 30% of the brownfield runoff rates. This will reduce the risk of flooding downstream and thus meet local, regional and national planning policy objectives.

6.9.14 Foul drainage from site will discharge via gravity into the Thames Water combined sewer that crosses the south of the site.

Conclusion on drainage

6.9.15 Overall, the FRA demonstrates that the proposed development is safe. It will not increase flood risk elsewhere. It will provide improvement to adjacent areas by managing surface water from all rainfall events up to the 100-year plus climate change event. The development proposals are suitable at this location.

6.9.16 The scheme therefore accords with CLP Policy CC3 and CGP guidance, and with LP Policies SI 12 and SI 13.

6.10 Structural Feasibility and Contamination

Relevant CLP policy and guidance:

- *A1 Managing the impact of development*
- *A5 Basements*
- *CPG Basements (January 2021)*

6.10.1 The application is accompanied by the following documents:

- Structural Feasibility Study (Parmarbook)
- Archaeological Desktop Study (RPS/CgMs)
- Phase One Environmental Assessment (Subadra)

6.10.2 CLP Policy A1 seeks to protect the quality of life of occupiers and neighbours including in relation to contaminated land (A1m).

6.10.3 CLP Policy A5 relates to basement development; it was cited in the pre-application advice (along with CPG) but is not relevant here as no basement is proposed. There are, however, structural issues for development on this Site arising from the below ground constraints (Metropolitan Line tunnel, sewerage): these are briefly considered here, alongside ground conditions and archaeology.

Commentary and assessment

Structural constraints

6.10.4 The Structural Feasibility Study shows how the Site is heavily-constrained by the London Underground tunnel and Thames Water sewer running across the front of the site, a retaining wall to the sides, and likely party wall constraints down the line.

6.10.5 This has required a cantilever transfer structure to the front of the building to avoid surcharging the third-party assets and to support the upper floors. The school use, and the need for larger spaces at GF, has resulted in an open steel system with RC piling.

6.10.6 The proposed structure also allows for use of bricks – as strongly advised at pre-application stage and at the Design Review Panel. Alternative options, with lower carbon intensity, have been explored but found to be infeasible, though there is scope for reducing embodied carbon in the concrete used (see section 8 of the Report).

Contamination

6.10.7 The submitted Phase One Environmental Assessment notes that, as with any PFS site, the existing fuel infrastructure is a potential source of contamination. However, no significant spillages have been reported or found in previous borehole investigations. The Site is located in an area of low environmental sensitivity ("unproductive strata" and made ground).

6.10.8 No hazardous ground gases have been found. Borehole groundwater samples have not identified any significant hydrocarbon contamination.

6.10.9 On this basis no further investigation and/or remedial works are necessary prior to redevelopment.

Archaeology

6.10.10 The desk-based archaeological assessment shows that the Site has low archaeological potential and no further archaeological mitigation measures are recommended.

6.10.11 Further consideration of archaeology is set out in the Heritage Statement at section 7 below.

Conclusion on structure and contamination

6.10.12 The Site has been found to have no significant pollution risks and no further investigation or remedial works are required. In this regard the proposal meets the requirements of CLP Policy A1m.

6.10.13 The considerable subsurface constraints brought by the London Underground tunnel and sewers has necessitated a careful and considered approach to structural design, not least to cantilever the frontage and accommodate high quality façade materials. Efforts have been made nevertheless to reduce embodied carbon in this structure and this will explored further at the next design stage (see also section 6.5 above and the Whole Life Carbon Assessment).

6.10.14 The Site has low archaeological potential and no mitigation is required.

6.11 Ecology and Biodiversity

Relevant CLP policies and guidance:

- *A3 Biodiversity*
- *D1 Design*
- *CC1 Climate change mitigation*
- *CC2 Adapting to climate change*
- *CPG Biodiversity (March 2018)*

Relevant LP policy and guidance:

- *G5 Urban greening*
- *G6 Biodiversity and access to nature*
- *draft Urban Greening Factor (September 2021)*
- *Connecting with London's Nature: The Mayor's Biodiversity Strategy (2002)*

6.11.1 The application is accompanied by the following documents:

- Arboricultural Impact Assessment and Preliminary Method Statement (Oakfield)
- Ecological Appraisal Report and Biodiversity Net Gain Report (Wychwood Environmental)

6.11.2 LP Policy G5(A) (Urban greening) states:

> *Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.*

6.11.3 Similarly, LP G6(B)4) (Biodiversity and access to nature) promotes:

> *opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context*

6.11.4 LP policy is supported by various objectives in the Mayor's Biodiversity Strategy – including conserving species (Proposal 3) and greening new developments (Proposal 6).

6.11.5 CLP Policy A3 seeks to protect and enhance sites of nature conservation and biodiversity. A3d in particular seeks to realise benefits for

biodiversity through the layout, design and materials used in development. The policy also seeks to protect trees.

Commentary and assessment

Ecology

6.11.6 The Ecological Appraisal Report noted that the habitats on the Site have negligible ecological value and no potential for an protected species. The exception is the street tree (false acacia) on the Finchley Road frontage.

6.11.7 Rather, the Report sets out recommendations for biodiversity enhancement, notably through the use of green roofs, bat and bird boxes.

6.11.8 These enhancements are formalized into a Biodiversity Net Gain report. This shows a 100% net gain (0.06 Habitat Units), given the baseline condition.

Trees

6.11.9 As noted above, there are no trees on-site, but a false acacia (Robinia) is located within the footway on Finchley Road. It has poor form and minor deadwood in the crown, with a C categorisation.

6.11.10 The proposal does not require its removal but the submitted AIA includes a Preliminary Method Statement to ensure its healthy retention. Some crown reduction is proposed to remove the deadwood and avoid damage during construction.

Conclusion on ecology and biodiversity

6.11.11 The Site has minimal biodiversity value at present. The opportunity will be taken to enhance the value through the provision of a green/blue roof and bird/bat boxes. The details of these features will be secured by planning condition.

6.11.12 These enhancements will result in a 100% Biodiversiy Net Gain (+0.06 Habitat Units).

6.11.13 The adjoining street tree will be retained and protected during construction.

6.11.14 Overall the Development accords with the requirements of CLP Policy A3d and with LP Policies G5 and G6.

7. Heritage Statement

Relevant CLP policy and guidance:

- *D2 Heritage*
- *Fitzjohns/Netherhall Conservation Area Statement (2001)*

Relevant LP policy:

- *HC1 Heritage conservation and growth*

Relevant national policy:

- *NPPF paras 194-206 and Annex 2 (Glossary)*

7.1 Introduction

7.1.1 The NPPF sets out the general approach that should be taken in relation to planning application affecting heritage assets:

> *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance…"* [para 194]

7.1.2 Annex 2 of the NPPF (Glossary) defines the following terms:

- ***Heritage asset***: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).
- ***Significance*** (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting...
- ***Setting of a heritage asset***: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- ***Archaeological interest***: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- ***Conservation (for heritage policy):*** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

7.1.3 Importantly, s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on LPAs in relation to conservation areas in exercise of their planning functions:

> *... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

7.1.4 Further guidance is given in Good Practice Advice notes published by Historic England. GPA2: Managing Significance in Decision-Taking in the Historic Environment (March 2015), and GPA3: The Setting of Heritage Assets (December 2017) are relevant here. GPA2 emphasises the need to understand the nature, extent and level of heritage significance. GPA3 sets out a stepped approach to proportionate decision-taking: identifying heritage assets and their settings; consideration of how setting contributes to the significance of that asset; assessment of effects of that significance; exploration of ways to enhance significance or avoid harm; and documentation.

7.1.5 The methodology for assessing the magnitude and significance of heritage impacts is set out in more detail in Appendix 2.

7.1.6 Also relevant here are the tests set out in CLP Policy D2 which essentially repeat the tests set out in national and other guidance within the local context. The relevant tests (bearing in mind that the Site contains no heritage assets but rather adjoins them) are as follows:

- *not permitting substantial harm to a designated heritage asset*
- *any harm being outweighed by the benefit of bringing a site into use (D2d)*
- *any less than substantial harm must be convincingly outweighed by the public benefits of the proposal*
- *resisting development outside a conservation area that causes harm to the character or appearance of that conservation area (D2g)*
- *resisting development that would cause harm to significance of a listed building through an effect on its setting (D2k)*
- *protecting remains of archaeological importance, proportionate to their significance*
- *protecting other heritage assets (including non-designated assets and those on the local list), weighing up the effect on significance against public benefits*

7.1.7 LP Policy HC1C sets out similar overall policies, reflective of statutory and national guidance.

7.1.8 Local guidance is provided in the Fitzjohns/Netherhall Conservation Area Statement [CAS]. It sets out the area's history, assesses its character, and sets out detailed policies for (inter alia) new development, materials and trees that complement local plan policy. The CAS does not refer to

development outside the CA boundary, though clearly setting of heritage assets is a material planning consideration (CLP D2k).

7.1.9 The application is supported by an Archaeological Desk Based Assessment (RPS/CgMs).

7.2 Historical Development of the Area

7.2.1 Section 4 of the Archaeological DBA sets out a brief history of the area around the Site, referenced to a series of historic maps (DBA Figs 3-9, 12-13, 15). In summary, the area was largely undeveloped until the modern era: Finchley New Road (as it then was) was built as one of the last turnpike roads in the 1820s/30s. College Crescent appears only in the 1871 OS map, with the Site occupied by semi-detached houses (gardens to the S fronting Finchley Road) – reproduced below (Fig 9). By 1955 the houses have been demolished (perhaps as a result of war damage) and the PFS first appears on a 1958 drainage drawing.

Fig 9: 1871 OS map extract (extract from Archaeology DBA Fig 7)

7.2.2 The Fitzjohns/Netherhall CAS summarises the area's history, noting that development in the area dates largely from the 1880s in Queen Anne style owing to resistance to development in the area after the turnpike road was constructed in 1827.

7.3 Heritage Assets near the Site

7.3.1 Fig 2 shows the Site's relationship with the adjoining Conservation Area; Fig 3 identifies nearby heritage assets, including those identified as making a positive contribution to the character and appearance of the Conservation Area (CAS pp 30,31).

7.3.2 The CAS summarises the character of College Crescent as follows:

> *Situated at the southern end of Fitzjohns Avenue it provides an important landmark and small public space on the approach from Swiss Cottage. The Palmer Memorial Drinking Fountain (listed Grade II) is a memorial to Samuel Palmer who lived at 40 College Crescent for 21 years, erected by his family after his death in 1903. To the south-west is No.40 College Crescent (listed Grade II) a detached house by Morris and Stallwood for Samuel Palmer, in the Queen Anne style. a three and two storey building in red Reading bricks with terracotta enrichment, continuous dental cornices and tiled hipped roofs with tall brick slab chimney-stacks. The road descends to Finchley Road and is dominated by the rear of the South Hampstead school buildings.*

7.3.3 The CAS street audit (p33) refers to features outside 39 and 40 College Crescent only.

7.3.4 The Site is *not* located within a designated Archaeological Priority Area.

7.3.5 The heritage significance of these various assets is summarised in the following table (Fig 10):

Map key	***Heritage asset***	***Designation***	***Designated/ non-designated***	***Heritage significance***
	Fitzjohns/Netherhall Conservation Area	Conservation Area	Designated	Medium
LB1	The Roman Catholic Church of St Thomas More	Grade 2	Designated	Medium
LB2	1 South Hampstead High School	Grade 2	Designated	Medium
LB3	Palmer Memorial Drinking Fountain	Grade 2	Designated	Medium
LB4	40 College Crescent	Grade 2	Designated	Medium
LLB1	1-15 College Court and 36 College Crescent	Local list	Designated	Low
LLB2	104 Finchley Road (North Star PH)	Local list	Designated	Low

LLB3	Fairfax Mansions, 167-175 Finchley Road	Local list	Designated	Low
LLB4	179-189 Finchley Road	Local list	Designated	Low
LLB5	St John's Court, Finchley Road	Local list	Designated	Low
PC1	South Hampstead High School (main building)	Positive contribution to conservation area	Non-designated	Low
PC2	Holy Trinity Primary School	Positive contribution to conservation area	Non-designated	Low
PC3	39 College Crescent	Positive contribution to conservation area	Non-designated	Low

Fig 10: Heritage assets on or in the vicinity of the Site and their significance

7.3.6 Following the advice in GPA3 and as set out in Appendix 2, the significance of heritage assets may be classified from *very high* to *negligible* as set out Fig 11 below. The significance of the local heritage assets is included in the table above at Fig 10.

Significance	***Historic Built Assets***
Very High	World Heritage Sites Other buildings of recognized international importance
High	Scheduled Ancient Monuments with standing remains All Grade I and all Grade II* Listed Buildings
Medium	Grade II Listed Buildings Unlisted buildings that have other exceptional qualities or historic and cultural associations Conservation Areas containing buildings that contribute significantly to its historic character Historic townscape with important historic integrity or settings
Low	Locally listed buildings Historic townscape with important historic integrity or settings
Negligible	Buildings of no architectural or historical note

Fig 11: Classification of heritage asset significance

7.3.7 This Heritage Statement considers in turn the impacts of the Development on the Conservation Area, the listed and locally-listed buildings, those buildings assessed as making a positive contribution to the character of the conservation area, and the archaeological heritage assets.

7.4 Assessment

7.4.1 The impact of development on the heritage assets identified in section 7.3 can be classified as follows (Fig 12):

Major	Change to key historic building elements to the extent that the asset is totally altered Comprehensive and fundamental changes to setting
Moderate	Change to key historic building elements to the extent that the asset is significantly altered Significant changes to setting
Minor	Change to key historic building elements to the extent that the asset is slightly altered Noticeable changes to setting
Negligible	Change to key historic building elements to the extent that the asset is not perceptibly altered No perceptible change to the setting
No change	

Fig 12: Classification of development impacts on heritage assets

Impacts on the Fitzjohns/Netherhall Conservation Area

7.4.2 The Development has very limited impact on the character and appearance of the Fitzjohns/Netherhall Conservation Area. There is limited inter-visibility between the Site and that part of the CA to the east (around 39 and 40 College Crescent), other than in oblique views. The view from the west up College Crescent would be enhanced with the removal of the unsightly PFS canopy.

7.4.3 Similarly, views from Finchley Road of South Hampstead High School and Trinity Primary School, currently marred by the PFS canopy, would be obscured by the new building. The entrance to College Crescent (and the approach to the conservation area beyond) would be framed by the North Star PH (locally-listed) on the left and the complementary style of the new development to the right.

Impacts on listed and locally-listed buildings

7.4.4 There are no listed buildings visible from the Site or vice versa.

7.4.5 The relationship with the adjoining locally-listed 36 College Crescent is key: the massing and building line have deliberately sought to respect this relationship, completing the streetscene in a manner that reflects its historical form when the Site was occupied by houses fronting College Crescent. The development deliberately steps back in massing terms from

no 36, not only for amenity reasons, but also to respect the setting of the heritage asset, in line with the January 2020 DRP advice.

7.4.6 Similarly, the relationship with the North Star PH seeks to complement its massing while also serving to mark the apex of this prominent site on Finchley Road, again a direct response to the advice of the January 2020 DRP.

7.4.7 The Development has no negative impact on the setting of the locally-listed buildings on the southern side of Finchley Road. Rather, in filling the gap on the northern side, it serves to mend the fractured streetscape in this locality with a building of similar massing and form.

7.4.8 The buildings identified as making a positive contribution to the character of the conservation area have limited inter-visibility with the Site. Where there are glimpsed views, whether eastwards up College Crescent, or northwards from Finchley Road, the removal of the unsightly PFS canopy and completion of the streetscape with a sympathetic building of complementary scale, massing and materials, will serve only to enhance the setting of these non-designated heritage assets.

7.4.9 In each of these cases, also, the proposed materials, predominantly brick, strongly complements and respects the prevailing style of the area.

Impacts on Archaeology

7.4.10 The application is accompanied by an Archaeological Desk-Based Assessment prepared by RPS/CgMs. that the Site has low archaeological potential and no further archaeological mitigation measures are recommended.

7.5 Overall Heritage Impacts and Conclusion

7.5.1 A summary of the impacts of the Development on nearby designated and non-designated heritage assets is set out below (Fig 13):

Map key	***Heritage asset***	***Designation***	***Heritage significance***	***Impact***
	Fitzjohns/Netherhall Conservation Area	Conservation Area	Medium	Minor
LB1	The Roman Catholic Church of St Thomas More	Grade 2	Medium	No change
LB2	1 South Hampstead High School	Grade 2	Medium	No change
LB3	Palmer Memorial Drinking Fountain	Grade 2	Medium	No change
LB4	40 College Crescent	Grade 2	Medium	No change
LLB1	1-15 College Court and 36 College Crescent	Local list	Low	Minor
LLB2	104 Finchley Road (North Star PH)	Local list	Low	Minor
LLB3	Fairfax Mansions, 167-175 Finchley Road	Local list	Low	Negligible
LLB4	179-189 Finchley Road	Local list	Low	Negligible
LLB5	St John's Court, Finchley Road	Local list	Low	Negligible
PC1	South Hampstead High School (main building)	Positive contribution to conservation area	Low	Negligible
PC2	Holy Trinity Primary School	Positive contribution to conservation area	Low	Negligible
PC3	39 College Crescent	Positive contribution to conservation area	Low	Negligible

Fig 13: Summary of significance and impacts – heritage assets

Magnitude of impacts

7.5.2 In summary, the magnitude of these impacts is largely *minor* or *negligible*, involving noticeable (at most) or no perceptible change to the setting of these heritage assets (Fig 14).

Magnitude of Impact	***Historic Built Assets***
Major	Change to key historic building elements to the extent that the asset is totally altered Comprehensive and fundamental changes to setting
Moderate	Change to key historic building elements to the extent that the asset is significantly altered Significant changes to setting
Minor	***Change to key historic building elements to the extent that the asset is slightly altered*** ***Noticeable changes to setting***
Negligible	Change to key historic building elements to the extent that the asset is not perceptibly altered ***No perceptible change to the setting***
No change	

Fig 14: Magnitude of impacts

7.5.3 Applying the final part of the assessment methodology set out in Appendix 4 enables conclusions to be drawn on how the magnitude of impacts might affect significance. Overall, there is mainly *neutral/slight* impact on the heritage assets. This is summarised in Fig 15 below.

7.5.4 Importantly, these very limited impacts are considered *positive* – the removal of the unsightly PFS canopy and completion of the streetscape with a sympathetic building of complementary scale, massing and materials, will serve only to enhance the setting of these designated and non-designated heritage assets.

SIGNIFICANCE	Very High	Neutral	Slight	Moderate/large	Large or very large	Very large
	High	Neutral	Slight	Moderate/slight	Moderate/large	Large/very large
	Medium	Neutral	Neutral/ slight	Slight	Moderate	Moderate/ large
	Low	Neutral	Neutral/ slight	Neutral/slight	Slight	Slight/ moderate
	Negligible	Neutral	Neutral	Neutral/slight	Neutral/slight	Slight
		No change	**Negligible**	**Minor**	Moderate	Major
		MAGNITUDE OF IMPACT				

Fig 15: Summary of overall heritage impacts

7.5.5 In these terms, therefore, the Development meets the relevant tests set out in the NPPF paras 194-206, CLP Policy D2, the Fitzjohns/Netherhall CAS guidance, and LP Policy HC1.

8. PLANNING OBLIGATIONS

8.1 Para 57 of the NPPF states that:

> *Planning obligations should only be sought where they meet all of the following tests:*
> *a) necessary to make the development acceptable in planning terms;*
> *b) directly related to the development; and*
> *c) fairly and reasonably related in scale and kind to the development.*

(also set out in Regulation 122(2) of the Community Infrastructure Levey Regulations 2010.)

8.2 LP Policy DF1 is mostly concerned with development viability but supports borough development plan policies to use obligations to mitigate impacts of development.

8.3 CLP Policy DM1 Delivery and monitoring states that:

> *The Council will deliver the vision, objectives and policies of the Local Plan by: ...*
> *d. using planning contributions where appropriate to:*
> *i. support sustainable development;*
> *ii. secure the infrastructure, facilities and services to meet the needs generated by development;*
> *iii. mitigate the impact of development;...*

8.4 Detailed guidance on how LBC seeks and utilises planning obligations and CIL receipts in pursuance of this policy is set out in CPG Developer Contribution (March 2019). The Mayor has set out guidance on use of CIL for Crossrail Funding (March 2016).

8.5 The February 2022 pre-application advice is silent on planning obligations, but it is likely that obligations will be sought in relation to the following aspects of the development:

- Highway works to stop up crossovers and deliver visitor cycle parking on Finchley Road footway (and related s278 agreement)
- Carbon off-set payment
- Travel plan

- Construction management plan
- Local employment during construction

8.6 The acceptability and detail of these obligations will be considered further during the determination of the application.

8.7 Similarly, further discussions will be had in relation to planning conditions in relation, for example, to material details, limits on school use, achievement of internal noise and air quality targets, and delivery of biodiversity net gain.

8.8 The Development is liable for CIL and the relevant form has been completed as part of the application submission.

9. CONCLUSION

9.1 This Planning and Heritage Statement has been prepared by tp bennett in support of a planning application by Sectorsure No 10 Limited for the redevelopment of 104A Finchley Road, London NW3 5EY [the Site].

9.2 The Development comprises:

> *Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space (Class E/F1), and 31 x residential apartments above.*

9.3 ***Principle of Development:*** the redevelopment of this PFS site is acceptable in terms of CPG Transport: the location within the ULEZ and its limited size make if difficult to remain viable and sales are steadily declining. There are other PFS facilities nearby and it is most unlikely that the diversion of its predominantly passing trade would result in in additional car journeys on the highway network.

9.4 The GF commercial use would serve to strengthen this part of the secondary shopping frontage within the Finchley Road/Swiss Cottage town centre.

9.5 The alternative GF educational use would provide much-needed additional space for the adjoining UCSPP school but without any increase in pupil numbers. It will enable the school to remain in its current highly-accessible location. Concern raised at pre-application stage relating to surface water flood risk is not borne out by the FRA (see section 6.9). Similarly, a high level of AQ for the school is achieved (see also section 6.6).

9.6 Housing is a priority for LBC and CLP and LP policy. The scheme will provide 31 additional dwellings and the proposed mix of units accords with policy requirements. While designed to be tenure blind, the proposal cannot support any affordable housing: even the inclusion of five shared ownership units would make the scheme unviable.

9.7 In summary, therefore, the proposal aligns with the objectives of the CLP and LP in providing additional housing and CLP Policies H1, H2 and H7, and LP Policy GG4. The loss of the PFS is acceptable in terms of CPG Transport tests. The inclusion of GF retail uses meets the requirements of

CLP TC4 and CPG. The educational use is an appropriate one in the town centre and its expansion accords with CLP C2.

9.8 ***Design:*** overall, the design was strongly supported at pre-application stage and DRP. The proposals taken on board pre-application advice in relation to the site's heritage context. They also reflect the positive comments of the DRP in terms of massing and the overall unity of approach to the design of both the Finchley Road and College Crescent frontages.

9.9 Importantly, the approach responds robustly to the Site's significant air quality and noise constraints while also achieving an appropriate level of internal amenity in terms of heat and light. The residential layouts achieve a good level of compliance with the new BRE 2022 guide on daylight; it is not possible to achieve better results without penalty in relation to overheating (Part O).

9.10 At the same time the design of the GF spaces in particular has had to respond to the structural requirements of bridging the London Underground tunnel and Thames Water sere that pass under the front part of the Site.

9.11 All units are either south-facing or dual aspect and achieve the national described space standard. Four units are wheelchair adaptable.

9.12 The supporting Fire Statement demonstrates an appropriate approach to fire safety.

9.13 The Development thereby accords with CLP Policies H6, H7, C6 and D1, and with LP Policies GG2, D4, D5, D6 and D12.

9.14 ***Neighbour amenity***: Overall, there is a very good level of compliance with the BRE Guidelines in terms of impact son neighbouring amenity with only very isolated instances of infringement. The DSL Report concludes as follows:

> *... the layout of the proposed development is consistent with the Council's local planning policy on daylight and sunlight, particularly having regard to paragraph 123(c) of the National Planning Policy Framework and paragraphs 1.3.45 and 1.3.46 of the Mayor of London's Housing SPG.*

9.15 The Development accords with the requirements of LP Policy GG2 and D3 while also meeting relevant DSL standards in accordance with LP D6. It also meets the aims of CLP H2, H6 and A1f in this regard, as well as reflecting CPG guidance.

9.16 ***Energy and Sustainability***: the Development achieves a 76% reduction in carbon emissions over Part L, above the 35% required by LP Policy SI2 and CLP CC1.

9.17 The remaining modest shortfall in carbon reduction will be the subject of a carbon off-set payment.

9.18 The BREEAM pre-assessment shows a base case target of BREEAM excellent with a credit score of 71.76% and a stretch target of 77.81%. This meets the requirements of CLP CC2.

9.19 Allied to this is the pursuit of circular economy principles (as required by LP Policy SI7) and whole life carbon assessment to target reduction in embodied carbon (LP SI2 and CPG): this has strongly informed the design process and will continue to do so at future stages.

9.20 The Development has fully-integrated sustainability considerations into the design process. As a result it is compliant with the detailed energy policy requirements of LP Policies SI2 and SI4, and CLP Policies CC2 in particular. It also meets more general sustainability policy requirements through the achievement of BREEAM excellent as set out in CLP Policy CC2b-d and LP Policy SI7, and in CPG Energy Efficiency and Adaptation.

9.21 ***Air Quality***: the construction and operational air quality effects of the Development are considered "not significant". The proposal does not conflict with national, regional or local air quality policies.

9.22 The Development will not in itself generate any significant air quality impacts in terms of transport and energy use. On this basis the Development is *air quality neutral*.

9.23 Subject to implementation of appropriate mitigation measures, the Development will not give rise to significant air quality impacts from dust during the construction phase.

9.24 Overall, air quality impacts will not be significant. The Development meets the relevant policy tests set out in LP Policy SI 1 and CLP Policy CC4, and

the guidance in CPG Air Quality and the Mayor's SPG The Control of Dust and Emissions during Construction and Demolition.

9.25 ***Noise***: The submitted assessment demonstrates that the Site is capable of being designed to create an appropriate and acceptable noise environment for the proposed residential use and without impact on nearby noise-sensitive receptors.

9.26 Noise impacts during construction are also addressed in the Outline Construction Management Plan.

9.27 The Development thereby accords with the requirements of LP Policy D14 and of CLP Policy A4.

9.28 ***Transport*** : The transport effects of the Development have been assessed in accordance with LP and CLP policies.

9.29 Importantly, the scheme is car-free. It will remove some 2,280 vehicular trips from the local road network. Full cycle parking is provided to LCDS requirements, including visitor spaces to be provided on the Finchley Road frontage.

9.30 Overall, the Development would have no transport impacts that might warrant refusal on highways grounds (NPPF para 111 refers) and it accords with CLP Policies T1, T2, T3 and T4 and CPG Transport, and with LP Policies T1, T4, T5 and T7.

9.31 ***Flood Risk and Surface Water Drainage***: Overall, the FRA demonstrates that the proposed development is safe. It will not increase flood risk elsewhere. It will provide improvement to adjacent areas by managing surface water from all rainfall events up to the 100-year plus climate change event. The development proposals are suitable at this location.

9.32 The scheme therefore accords with CLP Policy CC3 and CGP guidance, and with LP Policies SI 12 and SI 13.

9.33 ***Structure and Contamination***: The Site has been found to have no significant pollution risks and no further investigation or remedial works are required. In this regard the proposal meets the requirements of CLP Policy A1m.

9.34 The considerable subsurface constraints brought by the London Underground tunnel and sewers has necessitated a careful and considered approach to structural design, not least to cantilever the frontage and accommodate high quality façade materials. Efforts have been made nevertheless to reduce embodied carbon in this structure and this will explored further at the next design stage (see also section 6.5 above and the Whole Life Carbon Assessment).

9.35 The Site has low archaeological potential and no mitigation is required.

9.36 ***Ecology and Biodiversity***: The Site has minimal biodiversity value at present. The opportunity will be taken to enhance the value through the provision of a green/blue roof and bird/bat boxes. The details of these features will be secured by planning condition.

9.37 These enhancements will result in a 100% Biodiversiy Net Gain (+0.06 Habitat Units).

9.38 The adjoining street tree will be retained and protected during construction.

9.39 Overall the Development accords with the requirements of CLP Policy A3d and with LP Policies G5 and G6.

9.40 ***Heritage***: The magnitude of impacts on nearby heritage assets is largely *minor* or *negligible*, involving noticeable (at most) or no perceptible change to the setting of these heritage assets. The magnitude of impacts in terms of effect on significance is mainly *neutral/slight*.

9.41 Importantly, these very limited impacts are considered *positive* – the removal of the unsightly PFS canopy and completion of the streetscape with a sympathetic building of complementary scale, massing and materials, will serve only to enhance the setting of these designated and non-designated heritage assets.

9.42 In these terms, therefore, the Development meets the relevant tests set out in the NPPF paras 194-206, CLP Policy D2, the Fitzjohns/Netherhall CAS guidance, and LP Policy HC1.

9.43 In ***summary***, the scheme is one that is acceptable in principle. Its design is acceptable in this urban and heritage context. Transport, noise and air quality impacts are minimal. The design has responded robustly to the

Site's acoustic and air quality constraints while achieving appropriate internal amenity in terms of heat and light.

9.44 The Development will achieve very significant reduction in carbon emissions, is air quality neutral, achieves BREEAM excellent (for the non-residential elements), and includes significant biodiversity net gain. The Development accords with all relevant policies of the development plan framework.

9.45 On balance, therefore, the application proposal is considered sustainable development for which there is a presumption in favour of permission being granted.

APPENDIX 1:
Pre-application advice 11.2.2022
(LBC ref: 2021/4622/PRE)

Date: 11/02/2022
Our ref: 2021/4622/PRE
Contact: Sofie Fieldsend
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Dear Mr Ibbott

Re: BP Petrol Filling Station site, 104A Finchley Road, NW3 5EY

Thank you for submitting a follow-up pre-planning application enquiry for the above property which was received on 15/09/2021 and a payment of £15,744.00 was received 22/09/2021. I write following our virtual meeting on 15th November 2021.

This pre-app response follows ref: 2017/6535/PRE dated 10th July 2018 and 2019/5255/PRE dated 18/12/19. The response given here should be read alongside the earlier reports. Please also note the appendix attached to this response which contains further information.

1. Proposal

Demolition of existing petrol filling station and associated convenience store (sui generis), for a replacement 6-storey mixed-use development comprising a lower ground floor commercial unit (Class E) (approx. 210sqm) and school use (Class F1) (approx. 400sqm), and 31 x residential apartments (11 x 1B, 16 x 2B, 3 x 3B and 1 x 4B) above.

2. Site description

The application site comprises a petrol filling station (Use Class Sui Generis), located on the north-eastern side of Finchley Road, at the junction with College Crescent. The petrol filling station includes a forecourt and canopy with a shop building to the north-east of the site.

The site is in the Finchley Road/ Swiss Cottage Town Centre, and is not in a conservation area, although the northern side of College Crescent is located within the Fitzjohns Netherhall Conservation Area. The area to the north of the site is a mainly residential area comprising of Victorian Villas. Adjacent to the site is the North Star public house, which is locally listed. The site has a PTAL rating of 6a.

3. Relevant planning history

2019/5255/PRE -Demolition of existing petrol filling station and associated convenience store (Use Class Sui Generis), erection of 6 storey 91 bedroom hotel (Use Class C1) with ancillary ground floor shop/restaurant (total 3,500sq. m GIA). - **Issued 18/12/19**

2017/6535/PRE - Demolition of existing petrol filling station and associated convenience store (sui generis), for replacement 6-storey mixed-use development consisting of [lower] ground commercial space (flexible A1 - A5, B1 and D1, D2) and 38 x residential apartments (3 x studios, 11 x 1 beds, 21 x 2 beds and 3 x 3 beds) above. **Pre-application advice issued 10/07/2018 (discussed in 'Amendments since initial pre-application advice' section below).**

8803912 - Erection of a two-storey building for use ancillary to petrol filling station in replacement of the existing single-storey sales building and the extension of the existing canopy. **Granted 03/08/1988.**

9100317 - Redevelopment of petrol filling station with new two storey sales building forecourt canopy and underground storage tanks and all associated works. **Granted 07/01/1992.**

4. Relevant policies and guidance

National and Regional Policy

- National Planning Policy Framework (NPPF) 2021
- London Plan (2021)

- **Camden Local Plan 2017**
- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H2 Maximising the supply of self-contained housing from mixed-use schemes
- Policy H4 Maximising the supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy C1 Health and wellbeing
- Policy C4 Public Houses
- Policy C5 Safety and security
- Policy C6 Access for all
- Policy A1 Managing the impact of development
- Policy A4 Noise and vibration
- Policy A5 Basements
- Policy D1 Design
- Policy D2 Heritage
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development
- Policy T3 Transport infrastructure
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

Camden Planning Guidance

Adopted March 2019:

- CPG Developer contributions
- CPG Access for all

Adopted Jan 2021:

- CPG Air Quality
- CPG Amenity
- CPG Basements
- CPG Community uses, leisure facilities and pubs

- CPG Design
- CPG Energy efficiency and adaption
- CPG Housing
- CPG Transport
- CPG Water and flooding

5. Assessment

The planning considerations material to the determination of this application are as follows:

- Land use principles
- Affordable housing
- Quality of accommodation
- Impact on neighbouring amenity
- Heritage & design
- Basement works
- Transport
- Energy and sustainability
- Air Quality
- Flood Risk
- Biodiversity
- Waste
- Designing out Crime

Background

Listed below is the feedback from the previous pre-app (ref: 2017/6535/PRE dated 10/07/2018), followed by the changes made within this submission:

The key feedback from the previous response are as follows:

- Land use: No objection to the loss of the petrol station; retail is 'strongly encouraged' within Finchley Road Town Centre. Residential is also encouraged (Camden's priority land use).
- Demolition: Acceptable in principle provided no harm is caused to adjacent conservation area and an appropriately designed replacement.
- Design: Needs to act as a 'gateway', the design needs to respond more positively to this requirement.
- Needs to be reduced by at least one storey on the corner to respond to North Star pub and approach to the conservation area. This could be stepped further back.
- Need to provide a stronger design concept and form; Officer's suggested a mansion block typology and taking cues from this.
- The use of brick requires further consideration.
- Concerns re. unit mix, further information is needed to assess the quality of accommodation but it initially appears acceptable. On site affordable housing is the preference.

Listed below is the feedback from the previous pre-app (ref: 2019/5255/PRE dated 18/12/2019), followed by the changes made within this submission:

The key feedback from the previous response are as follows:

- Land Use: Large scale hotel unlikely to be supported as it is contrary to policy E2, again the previous message encouraged residential and retail to be provided
- Materials: Concerns about the use of brick-slips and GRC as they are not high-quality materials
- Design: Concerns about corner treatment and design of the roof extension
- Designing out crime: recessed blind corner on Finchley Road and College Crescent should be removed, curved or chamfered to eliminate it as this could encourage loitering/make pedestrians feel uncomfortable.
- Demolition of petrol station: Justification should be provided in line with CPG transport for its loss
- Daylight/sunlight report is required to assess impact on neighbouring residential properties
- Cycle parking should be provided
- Site is located in an area of poor air quality

This pre-app responds in the following ways:

- Hotel use removed and residential and retail provided on site, along with a school extension
- Cycle parking designed in
- Materials and corner treatment revisited

Land use principles

The draft Site Allocations Local Plan has recently been subject to further consultation. We are likely to publish the next draft in the autumn with planned submission for public examination before the end of the year. So, this will still have limited weight but it does indicate the Council's aspirations for the site. Under Policy IDS20h of the Site Allocations document, the application site is identified for a mix of housing and commercial uses (given the Town Centre location and Camden's priority land use of residential), with an indicative capacity for 25 homes.

In line with the site allocations and previous pre-app advice, the inclusion of retail along the frontage of Finchley Road and residential on the upper levels would be acceptable in terms of land use. The proposal now includes the extension of UCS pre-prep school at lower ground floor that is accessed through the schools existing entrance on College Crescent and extends to front onto Finchley Road.

<u>School extension (F1)</u>

It is noted that there is an existing pre-prep school next door at 36 College Crescent to the rear of the site. The proposal will provide an extension to this existing school at lower ground floor level fronting Finchley Road but access will remain through the existing entrance on College Crescent. The school currently has a permitted capacity for 108 pupils (18 pupils per class). Although the development proposes that pupil numbers will not increase but the scheme would simply provide existing pupils with additional space. A lightwell will be created to the rear of the site on College Crescent.

While there are no objections in terms of land use there are concerns that the extension of the school onto the lower ground floor of this site would not be supported in principle due to air quality and flooding concerns (discussed below) which are unlikely to be easily overcome and comply with policy.

Affordable housing

There are very significant housing pressures in Camden and the primary land use priority of the Local Plan is new housing.

Local Plan policy H4 (Maximising the supply of affordable housing) requires an affordable housing contribution for all schemes that provide 1 or more additional homes and involves an addition of 100sqm (GIA) or more of residential floorspace.

During the meeting it was queried that if the affordable units didn't have access to the lifts but shared the same entrance and bin/bike store could different service charges be charged. The Council's affordable housing team confirmed that this was possible. Although it is noted that there is a larger community garden at 4th floor, it is unclear if the potential affordable units would have access to this. Further information would be required on this point.

Quality of accommodation

At present the mix comprises of 11x 1Bed, 16x 2Bed, 3x 3Bed and 1x 4Bed units. 2 and 3 bed residential flats are Camden's priority house size in compliance with the 'Dwelling Size Priorities' table below policy H7 of the Camden Local Plan. The inclusion of larger priority units is welcomed and it considered that this would be an appropriate mix in line with this policy.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

The flats should continue to meet the minimum floor space standards set out in the London Plan.

Dual aspect units are strongly encouraged to provide good access to daylight, sunlight, outlook and ventilation. It is noted that a number of the single aspect units also front onto Finchley Road. Officers are concerned about the poor quality of accommodation that single aspect units would create particularly fronting a busy and polluted main road. You are advised to revisit this and one option could be to perhaps create larger units to overcome this issue.

It is noted that all units would have a small private balcony for amenity space and likely access to a larger communal amenity space at 4th floor. It is unclear from the information if the potential affordable units at upper ground will have access to this additional amenity space. While all units having access to amenity space would normally be encouraging there are concerns about the balconies proposed fronting Finchley Road, especially at the lower levels in terms of air quality. This is discussed in more detail within the air quality section.

Care should be taken with the residential units that have larger windows within the apex to ensure that the scale and finish does not result in a loss of privacy to future occupiers in particular those at the lower levels.

It is considered that the layout at upper ground could be further improved by reorganising the circulation space, to make better use of the better outlook and air quality available on College Crescent.

Impact on neighbouring amenity

Very limited details have been provided at this stage of the impact on neighbouring properties. Given the corner location, the neighbours likely to be most impacted as a result of the works are The Phoenix School College (36 College Crescent), residential occupiers above The North Star public house (Finchley Road) and 17-19 New College Parade (on Finchley Road). A daylight/sunlight report should be submitted with future designs in order to fully assess the impact on these properties.

During the meeting it was raised that any windows facing The Phoenix School should be carefully considered to ensure that they do not result in direct overlooking or loss of privacy to either party. The use of the lightwell on College Crescent may also create additional noise for the proposed units above it if it is used by pupils.

Design and heritage

The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

CPG Design recommends that development should respond positively and sensitively to the existing context and integrate well with the existing character of a place, building and its surroundings.

It further adds that good design should respond appropriately to the existing context by:

- ensuring the scale of the proposal overall integrates well with the surrounding area
- carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area; and
- positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas

It was discussed during the meeting if the scheme could benefit from another Design Review Panel (DRP) meeting, only sketches were provided for assessment and there could be revisions to further improve the quality of the scheme. It depends on the final design and how much it varied from the previously scheme and if it addresses concerns raised at the previous DRP. Without out this final design it is difficult to say at this stage if a full DRP is required or perhaps if a Chairs Review DRP would be more appropriate. It should be noted since the last DRP the uses have changed so the complexities of new uses are important to take into consideration.

As mentioned in the previous pre-app a Basement Impact Assessment would likely be required due to the subterranean constraints.

Following the meeting two indicative sections across Finchley Road were provided. Given this additional contextual information, it is considered that the proposed height and massing is acceptable as it has followed the recommendations of the DRP and has a reasonable fit with other larger buildings, close by, within the townscape.

As only sketches have been provided, it is difficult for the Council to comment on the fine detail. Further information, including CGIs and true detailed elevations along with context photo samples of the materials should be provided.

However, it considered that the DRP comments on design have been taken on board to improve its appearance but further consideration should be given to the elevation changes to College Crescent to ensure a more cohesive streetscene. Detailed elements of relationship between school, commercial and residential also need to be considered further.

Transport

The site is located on the A41, Finchley Road, which forms part of the Transport for London Road Network (TLRN) and Transport for London (TfL) is the highway authority. From Camden's GIS records, it appears that a tunnel for the London Underground passes beneath the site; TfL should be able to advise on any precautionary measures that may need to be taken during construction.

Finchley Road is a Red Route with predominantly double red line road markings, which prohibit stopping at any time. The Red Route parking regulations generally extend out laterally from the main route along the side roads to around 20m. Part of College Crescent, which boarders the site, has Red Route parking restrictions. Along the Red Route, there are occasional loading bays where typically loading can take place between 10 am and 4 pm, Monday to Saturday; the nearest being in College Crescent.

In regards the removal of the petrol filling station section 10 of CPG Transport covers redevelopment of petrol stations. Clause 10.2 states:

'*Where there is a proposal to redevelop an existing petrol filling station, the Council will expect the impact on the road network (e.g., vehicle miles travelled) and the Borough's residents to be thoroughly examined. This should include considering the number of visits to an existing petrol station as well as mapping of alternative facilities, including any supermarkets that supply petrol*.'

The pre-app statement that outlines that the school extension would not result in an increase in pupil numbers so it is unlikely to result in a change to the existing situation, however details of servicing would be required for further assessment as a servicing door is proposed connecting the school to Finchley Road. Non-servicing access to the school from this entrance would be expected to be restricted otherwise it could create additional transport impacts, further clarity would be required.

No details of servicing have been submitted although previous pre-apps have referred to servicing from Finchley Road; TfL's views would also be sought on this. In any event, the applicant would need to submit a draft Delivery and Servicing Management Plan (DSMP) for assessment to include details of frequency, timing and duration of deliveries, and types of vehicles expected to visit to the site. Any proposal to utilise the Red Route bays for site

servicing would need to be validated with robust estimates of demand from the development and occupancy surveys of the bays. A full DSMP should be secured via a Section 106 planning obligation if planning permission is granted.

The site is currently served by two vehicular crossovers. If the crossovers are to be made redundant by the proposal, TfL would need to be consulted in their capacity as Highway Authority. TfL are likely to require redundant crossovers to be reinstated to footway at the developer's expense.

Some highway licences may need to be obtained from TfL prior to works commencing on site.

College Crescent has an upward gradient from Finchley Road and is supported by a retaining wall at the rear of the site. We must ensure that the stability of the public highway adjacent to the site is not compromised by any excavations or building works. The details of the proposal would need to be reviewed at application stage and if it were considered that the existing retaining wall could be affected by the works, the applicant would be required to submit an 'Approval in Principle' (AiP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement obligation. The template for the AIP is found in British Standard CG300. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required.

As mentioned, the site is located on Finchley Road, which forms part of the TLRN, has limited opportunities for loading; it is also prone to congestion. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A draft Construction Management Plan (CMP) would need to be submitted at application stage and a detailed CMP would need to be secured via a Section 106 planning obligation if planning permission is granted. This would be based on Camden's established CMP pro-forma.

There is likely to be a significant amount of person trips associated with the development. A strategic workplace travel plan and associated monitoring and measures contribution of £9,762 would need to be secured as a section 106 planning obligation if planning permission were granted. The Travel Plan would be targeted towards staff and hotel guests, to encourage walking, cycling and travel by public transport for day-to-day.

No car parking is proposed and the entire development would be expected to be secured as car free.

The Council would like to encourage you to carefully read CPG Transport in regards to expectations on cycle storage.

Trees and contaminated land

This advice would remain the same with the previous pre-app.

Energy and sustainability

No energy, sustainability, air quality or flood risk information was submitted. Therefore the Council cannot comment on this in any detail. However, the following proforma would need to be submitted at application stage.

Energy and Sustainability Proforma

Major residential

Applicants must submit an energy statement showing how the development will meet the following policy requirements:

- Follow the energy hierarchy set out in the London Plan 2021 Chapter 9 (particularly Policy SI 2) and meet the target for zero carbon residential buildings.
- The application must achieve at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on site as set out in the Energy Planning – GLA Guidance on preparing energy assessments, however we would expect you to aim higher.
- Domestic developments should achieve the minimum 'Be Lean' stage improvement of at least a 10 per cent improvement on Building Regulations from energy efficiency as set out in the London Plan 2021.
- Whole Life Carbon and Be Seen requirements from the London Plan 2021 should also be met.
- Local Plan policy CC1 states we will e) require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and f) expect all developments to optimise resource efficiency. Where demolition has been justified a Whole Life Carbon assessment should be submitted in line with Chapter 9 of the CPG energy efficiency and adaptation. Clearly there is limited scope to adapt the existing building but the existing structures and materials should still form the basis of the feasibility study.
- The remaining regulated carbon dioxide emissions, to 100 per cent, may be off-set through a cash in lieu contribution to Camden Council. Please see the separate point below for more information about carbon offsetting.
- The London Plan (Policy SI 3) requires developers to prioritise connection to existing or planned decentralised energy networks where feasible. Camden's Local Plan Policy CC1) requires all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.
- Camden's Local Plan (chapter 8) requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement. The reduction is to be calculated against emissions at the previous hierarchy stage and NOT against the baseline emissions.
- Where the London Plan carbon reduction target cannot be met on-site, we may accept the provision of measures elsewhere in the borough or a financial contribution (currently charged at £95/tonne CO2/yr over a 30 year period), which will be used to secure the delivery of carbon reduction measures elsewhere in the borough.
- GLA guidance on preparing energy assessments and CPG 'Energy Efficiency and Adaptation' should be followed.

Applicants are also expected to submit a sustainability statement - the detail of which to be commensurate with the scale of the development showing how the development will:

- Implement the sustainable design principles as noted in policy CC2
- Ensure the development does not increase flood risk and reduces the risk of flooding where possible as noted in policy CC3 and specifically demonstrate that the residential development is capable of achieving a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use).
- The development should meet or exceed the London Plan target of 95% reuse/recycling/recovery of construction and demolition waste and 95% of excavation waste put to beneficial use.
- Major applications should seek promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement is encouraged to be submitted, to demonstrate:

1) how all materials arising from demolition and remediation works will be re-used and/or recycled
2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
3) opportunities for managing as much waste as possible on site
4) adequate and easily accessible storage space and collection systems to support recycling and re-use
5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
6) how performance will be monitored and reported

Major non-residential

Applicants must submit an energy statement showing how the development will meet the following policy requirements:

- Follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan (2021) Chapter 9 (particularly Policy SI 2) to secure a minimum 35% reduction on site in regulated CO2 emissions below the maximum threshold allowed under Part L 2013.
- The London Plan requires all major developments to achieve zero carbon (with at least 35 per cent reduction achieved through on-site measures). New development is expected to get as close as possible to zero-carbon on-site, rather than relying on offset fund payments to make up any shortfall in emissions. The remaining carbon emissions (to 100 per cent) are to be offset through a cash in lieu contribution.
- Non-domestic developments should achieve the minimum 'Be Lean' stage improvement of at least a 15 per cent improvement on Building Regulations from energy efficiency as set out in the London Plan 2021.
- Whole Life Carbon and Be Seen requirements should also be met.
- Local Plan policy CC1 states we will e) require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and f) expect all developments to optimise resource efficiency. Where demolition has been justified a Whole Life Carbon assessment should be submitted in line with Chapter 9 of the CPG energy efficiency and adaptation
- GLA guidance on preparing energy assessments and CPG 'Energy Efficiency and Adaptation' should be followed. The London Plan (Policy SI 3) requires developers to prioritise connection to existing or planned decentralised energy networks where feasible. Camden's Local Plan Policy CC1) requires all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.
- Camden's Local Plan (chapter 8) promotes zero carbon development and requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy. It also requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement. The reduction is to be calculated against emissions at the previous hierarchy stage and NOT against the baseline emissions.
- Where the London Plan carbon reduction target cannot be met on-site, we may accept the provision of measures elsewhere in the borough or a financial contribution (currently charged at £95/tonne CO2/ yr over a 30 year period), which will be used to secure the delivery of carbon reduction measures elsewhere in the borough.

Applicants are also expected to submit a sustainability statement - the detail of which to be commensurate with the scale of the development showing how the development will:

- Implement the sustainable design principles as noted in policy CC2
- Achieve a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%) as set out in CPG 'Energy Efficiency and Adaptation'.
- The development should meet or exceed the London Plan target of 95% reuse/recycling/recovery of construction and demolition waste and 95% of excavation waste put to beneficial use.
  Major applications should seek promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement is encouraged be submitted, to demonstrate:
  1) how all materials arising from demolition and remediation works will be re-used and/or recycled
  2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
  3) opportunities for managing as much waste as possible on site
  4) adequate and easily accessible storage space and collection systems to support recycling and re-use
  5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
  6) how performance will be monitored and reported

Air quality

This location is in an area of very poor air quality. Camden Local Plan policy CC4 and CPG Air quality is relevant with regards to air quality. A detailed air quality assessment and the Council's Air Quality proforma would be required for assessment.

Air Quality Proforma

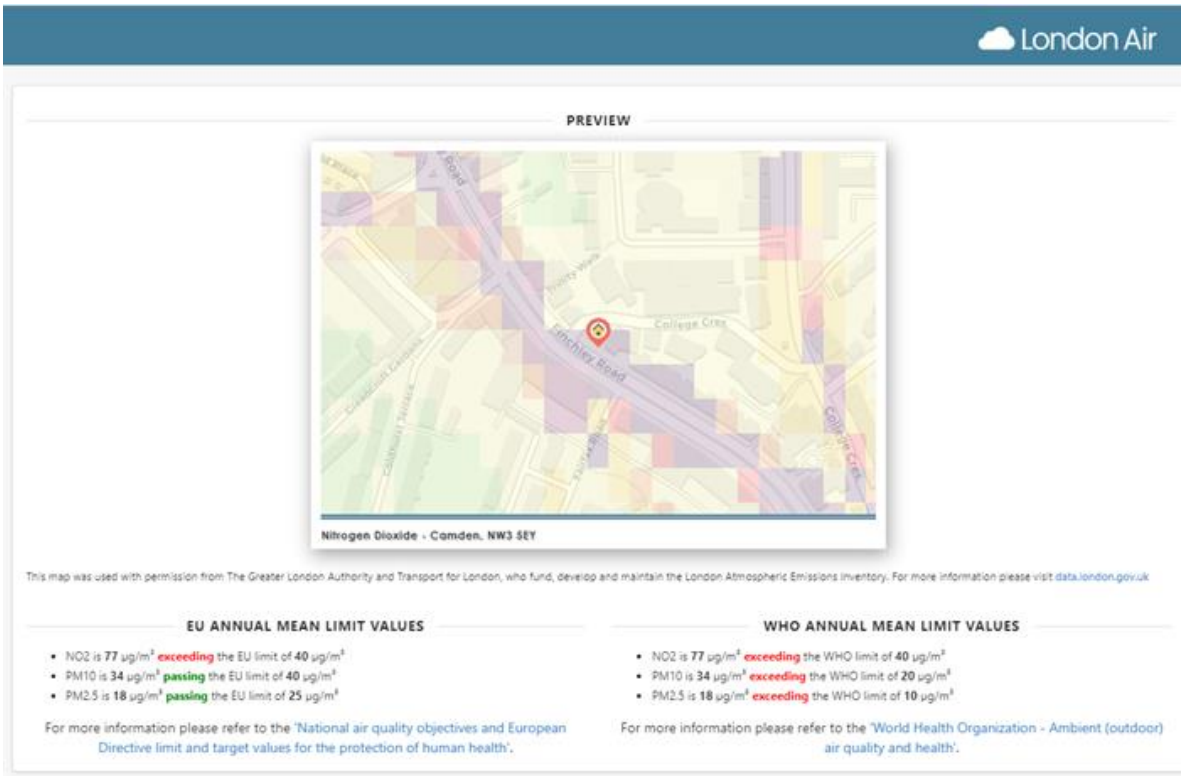
A detailed AQA should (in line with guidance in CPG Air Quality) cover the following:

- Operational impact of development on local area
- Include AQ Neutral assessment
- Operational impact on occupants
- Construction impacts risk assessment

Other points to consider:

- It should be noted that modelling should not predict improvements to future years (future vehicle emissions or future background concentrations). In line with London Council's Air Quality and Planning Guidance appropriate mitigation must be considered for residential developments if NO2 is between 5% above or below the national objective for residential developments or schools (APEC-B) and refusal should be anticipated if more than 5% above (APEC-C). For commercial developments more than 5% above best endeavours to reduce exposure should be incorporated.
- WHO standards at the time of writing of the London Plan 2021, specifically 20 $\mu g/m^3$ for PM_{10} and $10\mu g/m^3$ for $PM_{2.5}$, should be considered.
- If MVHR is proposed, air inlets should be should be located away from busy roads or any other emission sources and as close to roof level as possible, to protect internal air quality.

The Council's Air Quality Officer has raised significant concerns that given the location in an area of very poor air quality the annual mean objective for NO2 is 40µg/m3 so this is significantly above that.



The mapping above uses 2016 LAEI data for NO2. Detailed modelling is required using the most recent data to determine the current air quality across the site. However initial indications from the LAEI maps are that the site is in an area of very poor air quality.

It should be noted that the annual objective also applies at building facades and gardens/balconies of residential properties and at schools, including all playgrounds. This is (well) over 5% over the annual mean objective and as arguably the proposals would not comply with the WHO standards or the requirements of London Plan Policy SI B 1) c) to not create an unacceptable risk of high levels of exposure to poor air quality.

Depending on the outcome of the Air Quality Assessment and modelling then in line with Policy SI B 2) b), the development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air pollution, or mitigation required. As a minimum mitigation (such as MVHR with filtration and possibly sealed windows and winter gardens) should be provided. Occupiers to be advised of health risks from poor air quality at the site.

Further the initial indications are that the 1 hour mean may be exceeded. This would mean that the site may not be suitable for commercial uses and would certainly require design solutions, provision to address local problems of air pollution and mitigation if a detailed AQ assessment shows that the current NO2 is over 60µg/m3.

It is noted that the change in use from petrol station to other use would be expected to improve the air quality in the area and for the existing school next door, however the location is still adjacent to the Finchley Road and therefore NO2 / PM10 and PM2.5 levels are still expected to be unacceptably high for an extended educational use.

The Council's Air Quality Officer does not consider that these concerns can be addressed through mitigation and therefore the principle of a school extension in this location would be unlikely to be supported.

Flood Risk

The site is located on a previously flooded street and is therefore considered to be in an area at higher local risk of flooding under Local Plan policy CC3. It was flooded in 2002 and this road is also part of the Flood Investigation for the flooding in July 2021. The site is also located adjacent to the Goldhurst Local Flood Risk Zone

Policy A5 specifically states that "The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding'. A school would be considered to be a sensitive use and its location at the lower ground floor of this development would be unlikely to be supported. While no residential is shown at lower ground floor, it should be noted that this sensitive use would also not be supported at this level.

The lower ground floor extension to the school will be accessed by pupils and staff via a staircase from ground floor off the main entrance to the school on Collage Crescent. This would raise concerns if this was the only entrance/exit in the event of a flood.

While the school extension would be mainly accessed via the existing entrance on College Crescent, it is noted that there is a servicing exit to the school which fronts onto Finchley Road. There are concerns that whilst this does provide an alternative exit in the event of a flood, it would be preferably to egress to upper floors which would be required for any lower ground use for this development as it is on a previously flooded street. Finchley Road is the previously flooded street and therefore this would provide a potential ingress point for any surface water into the school area in the event of a flood. If water was flowing in from the Finchley Road this would not be a viable exit point.

To conclude in terms of flood risk, the proposed Finchley Road exit point could provide a potential ingress point for any surface water into the school but without a secondary entrance/exit there would also be concerns about only one means of escape that could be comprised during a flood. Officers are concerned that this flood risk concern would be difficult to overcome for this proposed sensitive use and instead would encourage retail or another non-senstive use at this level.

The cover letter refers to a green roof and surface water attenuation. Please note the Council would encourage a green/blue roof (which can be combined with solar PV) in line with the drainage hierarchy.

Policy Requirements:

- Submit an FRA if >1ha or proposing new/enlarged basement in High Flood Risk Area as defined in the Local Plan. **Applicable**
- Developments in areas known to be at risk of surface water flooding are designed to resist flooding and to cope with being flooded. **Applicable**
- Major developments to achieve greenfield run-off rates wherever feasible. **Applicable**
- NPPF requires all major developments to include SuDS unless demonstrated to be inappropriate (as set out in the Ministerial Statement by the Secretary of State on 18 December 2014). **Applicable**
- Development should follow the drainage hierarchy in policy SI 13 of the new London Plan below: **Applicable**
    1. rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
    2. rainwater infiltration to ground at or close to source
    3. rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)
    4. rainwater discharge direct to a watercourse (unless not appropriate)
    5. controlled rainwater discharge to a surface water sewer or drain
    6. controlled rainwater discharge to a combined sewer

Best practice guidance recommended within the non-statutory technical standards:

- Constrain run-off volumes to greenfield run off volumes for the 1 in 100 year 6 hour event. **Applicable**

Documents to be submitted at planning stage:

1. Surface water drainage statement
2. Completed drainage Camden-GLA proforma
3. Drawings showing details of SuDS extent and position (including outfalls and control points)
4. Microdrainage run-off (rates and volumes) calculations
5. SuDs lifetime maintenance plan (site specific)
6. Details of flow routes for exceedance events
7. Evidence of site surveys and investigations relating to drainage
8. Management of H&S risks related to SuDS design
9. Evidence of capacity confirmation from Thames Water (or initial correspondence)
10. Flood risk assessment
11. Drawings showing proposed mitigation
12. Flood risk emergency plan (site specific)

The Council's SuDS and Floods Proforma would also be required.

SuDS and Floods Proforma and GLA SuDS proforma

Biodiversity

It is noted that there is no vegetation on the site, nor within the immediate area which is likely to be impacted by the proposed works. Any future development should serve to implement greenery where possible for ecological, aesthetic and sustainability benefits.

A green roof should be incorporated in any future designs; full details of this, including species type, soil substrate and a maintenance plan should be incorporated with any future submission. London Plan policy G5 uses an Urban Greening Factor (UGF) to assess the quality and quantity of greening. You should target an UGF of 0.4 or greater. You can use the calculator on the GLA website and should submit this with any application.

Waste

Waste storage should comply with the relevant section contained within CPG Design. It is also advised that you refer to the technical guidance on waste. Commercial and residential waste should be in separate stores.

Designing out Crime

Access: The main consideration to this building will be controlling the access and movement between the two uses the building is looking at achieving.

Lifts and Stair cores: These are points which will also allow cross over between building uses if not controlled. Stairs moving between commercial and residential are not ideal and will lead to easy access and once again a freedom of movement for anyone there for criminal intent.

Postal Strategy: Should be in a secure location and the use of secure letter boxes incorporating letter box plates to security standard TS008 is recommended.

Residential doors: All residential unit doors should meet the following security standards - PAS24:2016, STS 201 Issue 7:2015, LPS 1175 SR2 or B3, STS 202 Issue 6:2015 BR2 or LPS 2081 Issue 1.1:2016 Security Rating B.

Main entrance Doors: Should meet either the following PAS24:2016, STS 201 Issue 7:2015, LPS 1175 SR2 or B3, STS 202 Issue 6:2015 BR2 or LPS 2081 Issue 1.1:2016 Security Rating B. If access control then these should achieve a minimum of Two (2) magnetic locks positioned integrally one third from the top and bottom of the frame and tested at the time of the door.

Cycle parking: should be in a secure location fitted with a door security rated to either PAS24:2016, STS 201 Issue 7:2015, LPS 1175 SR2 or B3, STS 202 Issue 6:2015 BR2 or LPS 2081 Issue 1.1:2016 Security Rating B. If access control then these should achieve a minimum of Two (2) magnetic locks positioned integrally one third from the top and bottom of the frame and tested at the time of the door. The cycles themselves should be secured by three points of locking (both wheels and the frame) to an approved security rated or 'Sold Secure' product.

6. Conclusion

The use of the site for residential and retail is likely to be supported subject to the concerns surrounding the residential units in terms of air quality and quality of accommodation being addressed. Officers would be unlikely to support the school extension due to concerns about air quality and flood risk. More detail including true elevations and CGIs would be required to understand the finer detailed design of the building. Cycle parking should be designed in line with the recommendations in CPG transport.

7. Planning application information

If you wish to submit a planning application, please ensure that the following is provided:

- Completed form
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Computer visualisations /renders
- Design and Access statement
- Planning statement
- Accessibility Statement
- Affordable housing statement
- Detailed air quality assessment
- Delivery and Servicing Management Plan
- Acoustic report (if plant is proposed)
- Construction management plan
- Daylight and sunlight report
- Drainage report
- Flood Risk Assessment

- Sustainable Drainage Systems (SuDS) Strategy
- Crime Impact assessment
- Employment and Training Strategy
- Health Impact Assessment
- Regeneration statement
- Basement Impact Assessment
- Energy statement
- Sustainability statement
- Transport assessment
- Waste strategy
- The appropriate fee
- Please see supporting information for planning applications for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would notify neighbours putting up a notice on or near the site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. You are also advised to contact your neighbours and the Conservation Area Advisory Committee prior to submission, to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click here.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Sofie Fieldsend on **020 7974 4607.**

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Sofie Fieldsend

Senior Planning Officer
Planning Solutions Team

APPENDIX 2:
Letter of support from University College School Pre-Prep

To: Camden Planning Solutions Team
Planning and Registration
London Borough of Camden

Thursday 7th July 2022

Dear Sir / Madam,

BP Petrol Filling Station Site – 104a Finchley Road, NW3 5EY – Planning Application for a replacement six-storey mixed-use development comprising a ground floor commercial unit (Class E, approximately 210sqm) and school use (Class F1, approximately 375sqm) and 31 residential apartments above

We write in support of the above planning application which includes the demolition of the existing petrol filling station and associated convenience store. We have been in discussions with the site owner, Sectorsure No. 10 Limited, a subsidiary of Trevellyan Developments Ltd (TD), for the past eighteen months with a view to connecting our existing UCS pre-prep to the proposed 375sqm of ground floor school space thereby enabling a very useful extension of our existing facilities. UCS currently occupies adjoining converted Victorian and twentieth-century premises at 36 College Crescent. The school has a permitted capacity for 108 pupils and the addition of a further 375sqm will enable our existing staff and pupils to benefit from new indoor and outdoor facilities thereby improving health, safety and wellbeing, and providing improved state-of-the-art educational facilities. We have been advised by TD that the proposed scheme will:

- Improve fire escape routes
- Enhance air quality via mechanical extraction systems at sixth-storey roof level
- Provide indoor space for assembly, dining and school events
- Significantly improve internal circulation
- Allow the existing gym space to be isolated from adjoining classroom space
- Significantly improve staff facilities for meeting, dining and common room use
- Provide enhanced on-site stores thereby cutting the number of stock replenishment journeys

Subject to our Board of Governors' approval and reaching a commercially viable agreement with TD, should planning permission be forthcoming, we would be willing to enter into a long leasehold agreement to occupy the newly-developed school space.

Kind regards,

Zoe Dunn
FROM THE HEADMISTRESS;
ZOE DUNN Bed (Hons), PhD, NPQH

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APPENDIX 3:
HERITAGE ASSESSMENT– RELEVANT PLANNING POLICY, GUIDANCE AND ADVICE

Relevant Planning Policy

Legislation relating to buildings and areas of special architectural and historic interest is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard must be given by a local planning authority when managing development to the desirability of preserving or enhancing listed buildings and their setting, and conservation areas and their setting.

The National Planning Policy Framework (NPPF) encourages intelligent, imaginative and sustainable approaches to managing change, moving away from narrow or prescriptive attitudes towards development within the historic environment. It states that the aim of the planning system should be to secure high quality design and a good standard of amenity and that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The NPPF directs local planning authorities (LPAs) to apply the presumption in favour of sustainable development: the 'golden thread' which is expected to run through their plan-making and decision making. The guidance contained within the framework suggests:

- In order to determine applications for development, Paragraph 189 states that LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance;
- Paragraph 200 encourages LPAs to look for new development opportunities within the setting of heritage assets (as well as Conservation Areas and World Heritage Sites), and states that proposed developments which make a positive contribution to or better reveal or enhance the significance of a heritage asset and its setting, will be looked upon favourably.

Relevant Guidance on Development within the Heritage Environment

Conservation Principles, Policies and Guidance (English Heritage, 2008)

This document remains relevant despite pre-dating the NPPF. It contains guidance on the importance of understanding significance as a means to properly assess the effects of change to heritage assets. The guidance describes a range of heritage values which enable the significance of assets to be established systematically, with the four main 'heritage values' being: evidential, historical, aesthetic and communal.

The Setting of Heritage Assets (Historic England, December 2017)

Historic England's guidance on the management of change within the setting of heritage assets seeks to provide a definition for the term of 'setting' itself, as well as guidance to allow councils and applicants to assess the impact of developments upon the settings of heritage assets.

The document defines setting as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.' Setting is also described as being a separate term to curtilage, character and context; while it is largely a visual term, setting, and thus the way in which an asset is experienced, can also be affected by noise, vibration, odour and other factors.

It is stated that the protection of the setting of a heritage asset need not prevent change and that decisions relating to such issues need to be based on the nature, extent and level of the significance of a heritage asset, further weighing up the potential public benefits associated with the proposals. It is further stated that changes within the setting of a heritage asset may have positive or neutral effects.

English Heritage/CABE (at the Design Council): Building in Context: New Development in Historic Areas 2001

The purpose of this document is to stimulate a high standard of design for development in historically sensitive areas. It sets out a recommended approach to the design of a successful development within an historic context, and uses case studies to illustrate a number of different themes and aspects. It states that the "right approach" is to be found in examining the context for any proposed development in great detail and relating the new building to its surroundings through an informed character appraisal.

English Heritage/CABE (at the Design Council): Building in Context Toolkit 2006

The web tool Building in Context Toolkit developed by English Heritage and CABE (at the Design Council) sets out that the founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. The toolkit highlights eight principles for appraising the quality of new development and its quality as a contribution to the urban design of its context. A successful project will:

- Start with an assessment of the value of retaining what is there;
- Relate to the geography and history of the place and the lie of the land;
- Be informed by its own significance so that its character and identity will be

appropriate to its use and context;

- Sit happily in the pattern of existing development and the routes through and around it;
- Respect important views;
- Respect the scale of neighbouring buildings;
- Use materials and building methods which are as high quality as those used in existing buildings;
- Create new views and juxtapositions which add to the variety and texture of the setting.

Methodology for Assessment

Within the context of the above guidance, the following tables set out the general approach to the assessment of heritage significance, the magnitude of impact and the significance of the impact.

*How the **significance** of Heritage Assets is categorised:*

Significance	Historic Built Assets
Very High	World Heritage Sites Other buildings of recognized international importance
High	Scheduled Ancient Monuments with standing remains All Grade I and all Grade II* Listed Buildings
Medium	Grade II Listed Buildings Unlisted buildings that have other exceptional qualities or historic and cultural associations Conservation Areas containing buildings that contribute significantly to its historic character Historic townscape with important historic integrity or settings
Low	Locally listed buildings Historic townscape with important historic integrity or settings
Negligible	Buildings of no architectural or historical note

*How the **magnitude** of impacts is categorised:*

Magnitude of Impact	Historic Built Assets
Major	Change to key historic building elements to the extent that the asset is totally altered Comprehensive and fundamental changes to setting
Moderate	Change to key historic building elements to the extent that the asset is significantly altered Significant changes to setting
Minor	Change to key historic building elements to the extent that the asset is slightly altered Noticeable changes to setting
Negligible	Change to key historic building elements to the extent that the asset is not perceptibly altered No perceptible change to the setting
No change	

*How the magnitude of the impacts might affect **significance**:*

SIGNIFICANCE	**Very High**	Neutral	Slight	Moderate/large	Large or very large	Very large
	High	Neutral	Slight	Moderate/slight	Moderate/large	Large/very large
	Medium	Neutral	Neutral/slight	Slight	Moderate	Moderate/large
	Low	Neutral	Neutral/slight	Neutral/slight	Slight	Slight/moderate
	Negligible	Neutral	Neutral	Neutral/slight	Neutral/slight	Slight
		No change	Negligible	Minor	Moderate	Major
		MAGNITUDE OF IMPACT				

APPENDIX 4:
Schedule of Listed Buildings in vicinity of 104A Finchley Road and listing descriptions

Ref on Fig 4	***Listed building***	***Notes***
LB1	The Roman Catholic Church of St Thomas More	Grade 2
LB2	1 South Hampstead High School	Grade 2
LB3	Palmer Memorial Drinking Fountain	Grade 2
LB4	40 College Crescent	Grade 2

LB1 The Roman Catholic Church of St Thomas More

Roman Catholic church, 1968 by Gerard Goalen. Whilst contributing to the church's history, the presbytery to the west and the street frontage building to the east, Laszlo Hall, are not included in the listing.

Reasons for Designation
The Roman Catholic Church of St Thomas More, Swiss Cottage, of 1968 by Gerard Goalen, is listed for the following principal reasons: * Design interest: a powerful interior space, achieving maximum accommodation on a narrow restricted site, executed in good quality, expressed materials, and designed by a noted C20 Roman Catholic architect influenced by Continental models and by the Liturgical Movement; * Plan: in line with the Liturgical Movement, internally arranged in the round, on a gentle raking floor, setting a forward sanctuary within close proximity of the congregation; * Materials: a simple and effective composition, with assured use of in-situ reinforced concrete and bare brick, enhanced with stained glass windows, marble and timber fixtures and fittings; * Degree of survival: little altered, retaining the majority of its original finishes, fixtures and fittings; * Historic interest: replaced the first church of 1938, formerly the studio of the successful society portrait painter Philip de László (1869-1937).

History
The parish was established in 1938 and the first parish priest was Fr Bernard Whelan, who remained until 1956. The present church is the third on the site in Mansfield Gardens, since the first Mass was held on 29 September 1938. The original church was a long narrow building, which was formerly the studio of the successful society portrait painter Philip de László (1869-1937). No 3 Fitzjohns Avenue (known as Hyme House) was purchased by De László in 1921 and he subsequently built a large studio in the back garden, linking to the house. Following the death of de Laszlo in 1937 the Archbishop of Westminster, Cardinal Hinsley, acquired Hyme House and invited the Swiss-based Sisters of Mercy of the Holy Cross to occupy the building as their first English establishment. The Sisters subsequently purchased Nos. 5 and 7 Fitzjohns Avenue and linked the three houses to form a Girls' School, which operated until 1985, after which the property then became a hotel. The former studio was converted into a place of worship, and a substantial neo-Georgian presbytery was also constructed within de László's former back garden. By 1950 the congregation had outgrown the existing church, and a second church was built on the site.

In 1967, the third and current church was constructed on the site of a former tennis court, sited within what was de László's rear garden. The architect's brief required that the church should maximise accommodation on what is a restricted site, and also that the completed church should afford the maximum opportunity for participation by the laity in the Mass, reflecting the liturgical developments of the Second Vatican Council. The resulting building, built to designs by Gerard Goalen, is composed on an almost-elliptical plan, capable of seating 700 people, whilst ensuring that no member of the congregation is more than 40 feet from the altar. The consultant engineers were Ove Arup and Partners, and the contractors were John Murphy and Sons (information from the Solemn Opening and Blessing booklet, 1969). The structure sits on substantial foundations comprising over 150

concrete piles, each around 17ft deep. The foundation stone was laid on 15 October 1967, blessed by Bishop Casey and the church opened by Cardinal Heenan on 20 April 1969. Following construction of the new church, the previous church was converted for use as a parish hall. The church was consecrated by Cardinal Basil Hume on 8 May 1977.

Goalen was influenced by the pioneering work of ecclesiastical architects such as Dominikus and Gottfried Böhm, Rudolph Schwartz, and others, in Germany, Switzerland and France, taking note of the innovatory nature of much of their work, and their fresh approach to liturgical planning. Centralised plan forms had also become increasingly popular in the 1960s, following influential precedents, including Francis Pollen's circular church at Worth Abbey, West Sussex (1964; listed Grade II), and Weightman and Bullen's Church of St Mary, Leyland, Lancs (1959-64; listed Grade II*). St Thomas More continues to develop ideas first explored in Goalen's earlier buildings such as the church of Our Lady of Fatima, Harlow, Essex (1958, listed Grade II), one of the first churches in England to express the influence of the Liturgical Movement, the Church of the Good Shepherd, Woodthorpe, Nottinghamshire (1962, listed Grade II*), and the Church of St Gregory the Great, South Ruislip (1965, listed Grade II).

Details
The Roman Catholic Church of St Thomas More is an elliptical plan brick-built church occupying a restricted site on Maresfield Gardens, built in 1968 to designs by Gerard Goalen. The internal layout reflects changes in liturgical approach brought about by Vatican II, and survives relatively intact, with minor changes in layout.

The presbytery to the west and the street frontage building to the east, Laszlo Hall, are not included in the listing.

MATERIALS: walls are faced in dark brown brick with an exposed concrete-framed clerestory and roof structure. Portland stone, Tinos marble and Travertine fixtures and fittings.

PLAN: the church is approached by a flight of steps from the street. It is almost-elliptical on plan but slightly truncated to the east and west, with the entrance bay sits forward to the south with stairs to the gallery and administrative rooms leading off it. The sanctuary projects into the main body of the church, which is embraced by an ambulatory carrying a gallery to the south side. To the west of the sanctuary is a side chapel dedicated to St Thomas More (formerly the Blessed Sacrament chapel); to the south-east is a further projection, originally accommodating the baptistery, now the Lady Chapel. The relocated baptistery sits on a raised platform to the west of the sanctuary.

EXTERIOR: the main approach is via a steep flight of steps which span the space between the presbytery and the church hall, and subsequently much of the principal elevation of the church is obscured. At the top of the steps is a broad flat-roofed porch, projecting from the main body of the church, which presents as an elliptical drum-type structure, crowned by a rising concrete-framed clerestory fronted by a bellcote. The latter consists of a rectangular enclosure of closely-spaced vertical members supported on two tapered concrete piers topped by a stylised cross finial. The roof appears to be flat. Universal

access is provided via a north-west porch. Other elevations are generally blind, and are concealed from view, with the exception of the west end. There is, however, a rear clerestory lighting the sanctuary, which is composed of glazed panels set between the deep concrete supporting beams, carried forward beyond the face of the wall.

INTERIOR: internally, the walls are of bare-faced brown brick enlivened by vermiculated brickwork of double 'hooked' profile, which fully lines the ambulatory and forms large panels on the north wall. These were originally backed by polystyrene blocks (now decayed) intended to improve the acoustic. Eighteen slim fluted concrete columns support the rear clerestory and the timber gallery along the south (entrance) side. The roof is supported on deep reinforced concrete beams spanning from north to south. The floor is slightly raking, and is of concrete with a linoleum tile finish to the aisles, which converge at the sanctuary. A Tinos marble altar and matching ambo are raised on the sanctuary platform, which is accessed by terrazzo steps and retains a steel communion rail. The tabernacle is located in a rectangular niche inset to the north wall, set on a Blessed Sacrament altar of Portland stone (relocated from the former Blessed Sacrament chapel). To the west side of the church, the baptistery is raised on a marble platform and has a later travertine font with timber cover.

Fittings include, three clerestory windows above the sanctuary, filled with abstract stained glass by Paul Jefferies of Whitefriars Studios. The remaining clerestory windows are clear-glazed; a bronze and aluminium crucifix by David John on the wall behind the sanctuary (the unusual positioning of Christ is intended to depict the rising Christ, with intentional exaggeration of the arms); a statue of St Anthony near the main entrance, also in the style of David John, and a more conventional Madonna and Child in the Lady Chapel by Mayer; the St Thomas More chapel (formerly the Blessed Sacrament Chapel) is a shallow apse, having a travertine stone altar and a triptych by Peter Lyall (dated 2008), depicting scenes from his life and original timber benches on concrete supports are fixed to the floor.

LB2 1 South Hampstead High School

TQ2684NE FITZJOHN'S AVENUE 798-1/50/437 (East side) 14/05/74 No.1 South Hampstead High School (Formerly Listed as: FITZJOHN'S AVENUE No.1 TAVR Centre)

II

House, now converted to a school, on a corner site with entrance front to Maresfield Gardens. c1883. By JJ Stevenson probably for Frank Debenham, the store magnate. Red and yellow brick with terracotta dressings. Tiled gabled roofs with dormers and tall brick chimney-stacks with moulded brick patterning and cornices. 3 storeys and attic. Irregular fenestration. Entrance front of 3 bays. Central recessed bay with doorway approached by steps with cast-iron railings and wooden 1st floor balcony having turned balusters and large central shaped bracket; flanking bays with Flemish gables, right hand has cartouche in gable and left hand with chimney rising from the ground floor having an enriched terracotta plaque and, set diagonally across angle, a full height bay window. Fitzjohn's Avenue front with full height canted bay. INTERIOR: not inspected. HISTORICAL NOTE: originally known as Oakwood Hall, the house has connections with the Oakwood Property Company owned by Debenham and (Sir) Edwin Lutyens; Lutyens was engaged in 1908 to make alterations described as a "terraced shelter", not now detectable. From the 1950s until the late 1980s in use as a TAVR (Territorial Army Volunteer Reserve) centre.

LB3 Palmer Memorial Drinking Fountain

TQ2684NE COLLEGE CRESCENT 798-1/50/267 (West side) 10/09/93 Palmer Memorial Drinking Fountain

GV II

Drinking fountain and protective canopy. 1904. Presented in memory of Samuel Palmer of North Court, Hampstead by his widow and family through the Metropolitan Drinking Fountain and Cattle Trough Association. Pink granite with oak screens and tiled pyramidal roof. Gazebo form in Arts and Crafts/Gothic style. Octagonal stepped base supporting pink granite buttressed openings, on 4 sides enclosed by oak screens with panels having cut-out diapers to half height and then turned balusters. Eaves with projecting beams supporting projecting base of roof with fishscale tile bands and copper finial. INTERIOR: with central granite column supporting a vaulted ceiling and having projecting circular basins and remains of original water jets. Plaque with unusual ornamental lettering inscribed "This fountain, together with the open space on which it is erected, was presented to the Borough of Hampstead for the public benefit, in memory of the late Samuel Palmer, of Northcourt, Hampstead, by his widow and family, 1904." HISTORICAL NOTE: Samuel Palmer of Huntley and Palmer's biscuits, Reading built his family home c1880 at 40 College Crescent, (qv), originally known as Northcourt.

LB4 40 College Crescent

TQ2584NE CAMDEN COLLEGE CRESCENT 798-1/50/266 (West side) 11.1.99 No.40

GV II

Detached house. c1880-1. By Morris and Stallwood of Reading. For Samuel Palmer. Grey and red Reading bricks with terracotta enrichment and continuous dentil cornices at floor level. Tiled hipped roofs with tall brick slab chimney-stacks. EXTERIOR: 3 and 2 storeys and basement. 5 bays; irregular windows. Asymmetrical design in Queen Anne style. Central projecting porch of pilasters flanking a round-arched entrance with keystone and supporting an enriched parapet with ball finials; panelled part-glazed double doors with patterned fanlight. To left a window with radial patterned head; 1st and 2nd floor sashes have keystones and shaped aprons. To left, a Flemish gabled bay of grey bricks with red brick pilaster strips rising through the floors to form round-arched blind arcading with keystones on the 2nd floor; single central sashes with shaped and enriched aprons; enriched plaque in pediment. Ground floor window flanked by cartouches. Left hand outer bay of 2 storeys forming a canted bay on the return. To right of entrance a pedimented oriel window with large round-arched window having patterned glazing above. Right hand outer bay of 2 sashes to each floor flanked by red brick pilasters; central enriched plaques. The rear elevation is less significant and the main architectural interest of the exterior resides in the front elevation. INTERIOR: Front portion of house, up to rear wall of axial corridor, has very fine original internal features. Central hall and staircase has dado panelling, moulded arches on turned columns, original doors and windows with stained glass. Moulded ceiling, wooden fireplace and fine panelled doors in elaborate wooden surrounds. The main staircase rises through 3 storeys with all its decoration intact. The rooms to the rear of the axial corridor throughout the house are plainer and more altered than those at the front. The main rooms on the front ground floor retain very fine fireplaces and elaborate doors and door surrounds, they also have contemporary plaster ceilings and deep coving. On the upper floors many of the rooms have been sub-divided but those at the front in particular still retain most of their original late Victorian fittings including fireplaces, doors, door surrounds, coving, skirting boards, dado panelling and fitted cupboards. This high quality late Victorian house survives very well with remarkably good quality contemporary internal features in the front rooms. HISTORICAL NOTE: Samuel Palmer of Huntley and Palmer's biscuits, Reading, built his house in a style and materials popular in the Reading area. Originally called Northcourt the house then became a Children's Hospital. Palmer's family presented the drinking fountain, (qv), at the corner with Fitzjohn's Avenue, to his memory in 1904.

APPENDIX 5:
Camden's Local List (January 2015): Extracts

Ref544:  (Click here to return to the ward map)	**Address:** 1 to 15 College Court, and 36 College Crescent **Significance:** Architectural and Townscape Significance **Asset Type:** Building or Group of Buildings **Ward:** Frognal and Fitzjohns	2 mid 19th century villas, no. 36 detached and College Court formerly a pair of semi detached dwellings. They are visually linked by many features in common including fully stuccoed elevations, three storeys plus basements, shallow pitched slate roofs with overhanging eaves supported by brackets, round headed window openings. College Close also has square headed windows on the first floor with projecting bracketed lintels. Together they form a high quality pair which marks the turn in the road, and provide a visual connection with the buildings of Belsize Conservation Area to the east. College Court was in use as a post office c1916.
Ref571:  (Click here to return to the ward map)	**Address:** 104 Finchley Road **Significance:** Architectural, Townscape and Social Significance **Asset Type:** Building or Group of Buildings **Ward:** Frognal and Fitzjohns	Prominent mid 19th century public house on corner of Finchley Road and College Crescent. Robust and elaborately decorated appearance, and its corner location results in a significant contribution to the townscape due to its high visibility and striking appearance. 3 storeys, in red brick with copious stucco decoration, including rusticated elevation at ground floor, pedimented window architraves, parapet cornice. Finchley road elevation has a full length balcony with ornate railings and richly decorated brackets; the entrance bay is lower but similarly ornamented. The parapet has a star motif repeated along its length.
Ref576:  (Click here to return to the ward map)	**Address:** Fairfax Mansions, 167 to 175 Finchley Rd **Significance:** Architectural and Townscape Significance **Asset Type:** Building or Group of Buildings **Ward:** Swiss Cottage	Late 19th century mansion block in Ashlar stone to front and side and stock brick to rear at junction of Finchley Road and Fairfax Road. Three storeys plus attic storey to front, with two tiers of extensions to the rear. Frontage divided into 9 bays with shopfronts at ground floor, 5 bays topped with dentilled gables and four in between with stone balustrades in front of a dormer window. Giant order pilasters at party wall line, with heavy console brackets at shopfront fascia level and large stone ball finials at parapet level. Steeply sloping clay tiled roofs with many chimneys. Tripartite windows with stone mullions and architraves., Black painted iron hopper heads and downpipes located on the exterior of first and second floors at party wall line, then running internally. The block contributes significantly to the townscape by virtue of the continuity with which it edges this varied street and its high quality presence in longer views. The contrasting rear relates well to the residential character of the adjoining area.
Ref577:  (Click here to return to the ward map)	**Address:** 179 to 189 Finchley Road **Significance:** Architectural and Townscape Significance **Asset Type:** Building or Group of Buildings **Ward:** Swiss Cottage	Late 19th century terrace with shops at ground floor and residential above on the corner of Finchley road and Goldhurst Terrace. In red brick, of 4 storeys plus attic, and restrained decoration in brick of giant order pilasters between the units, string courses and window aprons. The roof line is marked by flat topped gables on the end two bays and pointed gables in the centre two. The return elevation on Goldhurst Terrace is treated in a similar manner; the rear elevation is of no significance having been substantially altered. Provides a well detailed and appropriately scaled edge to this wide and busy road.
Ref617:  (Click here to return to the ward map)	**Address:** St Johns Court, Finchley Road **Significance:** Architectural and Townscape Significance **Asset Type:** Building or Group of Buildings **Ward:** Swiss Cottage	Early 20th century designed housing block on an island site formerly occupied by two rows of terraced housing. The north eastern half was constructed first, by 1916, and the south western half followed later. It is a monumental structure which displays the strong curves and clean horizontal lines characteristic of buildings of this period. The repetition of elements (balconies, canted bay windows) is striking, and the sheer scale impressive. The consistency of detail, particularly fenestration and bay cladding, is important to maintaining the unified appearance of the whole block. It relates well to other earlier in the nearby vicinity in providing sufficient scale and continuity to edge this main road.