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|---|----------------------------|---|-------------------------------------|------------|
| <b>Delegated Report</b>   |                            | <b>Analysis sheet</b>   | <b>Expiry Date:</b>                 | 02/09/2019 |
|   |                            | N/A / attached  | <b>Consultation Expiry Date:</b>    | N/A        |
| <b>Officer</b>  |                            | <b>Application Number(s)</b>  |                                     |            |
| Thomas Sild   |                            | 2019/3490/P   |                                     |            |
| <b>Application Address</b>  |                            | <b>Drawing Numbers</b>  |                                     |            |
| St Paul's Primary School<br>Elsworthy Road<br>London<br>NW3 3DS   |                            | See decision notice   |                                     |            |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>   | <b>Authorised Officer Signature</b> |            |
|   |                            |   |                                     |            |
| <b>Proposal(s)</b>  |                            |   |                                     |            |
| Erection of 23sqm single-storey school outbuilding (Use Class D1) |                            |   |                                     |            |
| <b>Recommendation(s):</b>   |                            | Grant Certificate of Lawfulness (Proposed)  |                                     |            |
| <b>Application Type:</b>  |                            | Certificate of Lawfulness (Proposed)  |                                     |            |
| <b>Conditions or Reasons for Refusal:</b>                         |                            | Refer to Draft Decision Notice  |                                     |            |
| <b>Informatives:</b>  |                            |   |                                     |            |
| <b>Consultations</b>  |                            |   |                                     |            |
| <b>No statutory consultation undertaken</b>                       |                            | <p><u>Cllr Pearson</u></p> <p>I accept that the loss of play-space cannot be taken into account, but is it possible to record my comment on the importance of outdoor play-space.</p> <p><i>Officer response:</i><br/>The GPDO does not allow for public consultation and consideration of comments for the assessment of Part 7, Class M. However, it has been noted that the siting of the outbuilding would not impact on existing outdoor play-space at the site and would be situated in place of a shed and area of car parking at the front of the school.</p> |                                     |            |

## Site Description

The application site is an existing primary school (Class D1)

## Relevant History

- **28<sup>th</sup> March 2006** - 2006/0536/P – Full planning permission granted for the erection of a single storey ground floor extension into part of the main school entrance, plus extension of the existing canopy over the main entrance on the front elevation and the insertion of three rooflights.

## Relevant policies

**Part 7, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)**

## Assessment

**Part 7, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) permits the erection, extension or alteration of a school, college, university or hospital building.**

**Development is not permitted by Class M—**

**(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—**

**(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or**

**(ii) 100 square metres, whichever is the lesser;**

The school has not previously been extended under Class M, as such the 'original' school building is considered to be approximately 987sqm (GEA). The proposed outbuilding would be 23sqm or 2.3% of the gross floorspace and therefore exceeds neither (i) nor (ii). Part (a) is satisfied.

**(b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;**

As indicated by the Proposed Site Plan (ref: PP02 Rev A), the proposed outbuilding will be sited away from the site boundary by a minimum distance of 7.9m. As such, part (b) is satisfied.

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

Photographic evidence shows that the land has not been used as a playing field in the last 5 years. The proposed siting would be in place of an ancillary shed structure and hard standing associated with car parking to the front of the main school buildings.

**(d) if the height of any new building erected would exceed 5 metres;**

The height of the new building would not exceed 5 metres in height; being 3m above ground at its highest point. The Existing & Proposed Street View (ref: 04 Rev A) refer. As such, part (d) is satisfied.

**(e) if the height of the building as extended or altered would exceed—**

**(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or**

**(ii) in all other cases, the height of the building being extended or altered;**

The proposal relates to a new outbuilding as such part (e) is not applicable

**(f) if the development would be within the curtilage of a listed building;**

The proposed building is not situated within the curtilage of a listed building. As such, part (f) is satisfied.

or (g) unless—

**(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;**

**(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.**

The predominant use of the existing buildings on the premises is for the provision of education. As such part (g) is satisfied.

**Development is permitted by Class M subject to the following conditions—**

**(a) the development is within the curtilage of an existing school, college, university or hospital;**

The proposed development would be located within the curtilage of an existing school.

**(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;**

The proposed development would be used for the purpose of teaching space as part of the existing school.

**(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings;**

The proposed development is not located on article 2(3) land as such condition (c) is not applicable.

**and (d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.**

For the reason above, condition (d) is not applicable

**For the purposes of Class M—**

**“original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class M; and “school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use), where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.**

Neither the original school nor any other part of it has been erected under Class M or changed use under Class S of Part 2 of the schedule.