

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230707
Location	Mayfield Grammar School Pelham Road Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed installation of a catering pod selling light refreshments and drinks.
Applicant:	Mrs Elaine Wilson, Mayfield Grammar School
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 30/06/2023;
OS Plan Received 03/07/2023; and
Drawing Number SP-TCS-6x3 (Pod Elevations).

Property Type

The property comprises a School building with associated buildings, playing fields and staff car parks.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	Y

Officer Note: Permitted Development Rights were removed for works which would alter the parking areas approved under planning reference 19980424. This scheme would not impact those areas approved for parking on that application and so permitted development rights apply for the purposes of this planning application.

Class M - The erection, extension or alteration of a school, college, university, prison or hospital building.

M.1	Development is not permitted by Class M if –	Y/N
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(a)	if the cumulative footprint of any erection, extension or alteration under Class M on or after 21st April 2021 would exceed the greater of— (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st April 2021; or (ii) 250 square metres;	N 37.89 m ²
(b)	in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;	N
(ba)	in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;	N
(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;	N
(d)	if the height of any new building erected would exceed— (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or (ii) in all other cases, 6 metres;	N 2.79m
(da)	if the height of any rooftop structure would exceed 1.5 metres;	N
(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, the lesser of the height of the building being extended or altered or 5 metres; or (ii) in all other cases, the height of the building being extended or altered;	N/A
(f)	if the development would be within the curtilage of a listed building; or	N
(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 (iii) in the case of prison buildings— (aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions; (bb) the buildings are located on a site with a closed perimeter; and (cc) the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on 21st April 2021	N/A

M.2	Development is permitted by Class M subject to the following conditions—	Y/N
(a)	the development is within the curtilage of an existing school, college, university, prison or hospital;	Y
(b)	the development is only used as part of, or for a purpose incidental to, the use of that school, college, university, prison or hospital;	Y
(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, prison or hospital buildings;	N/A
(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	N/A

(e)	where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;	N/A
(f)	where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— (i) transport and highways impacts of the proposed development; (ii) the design and external appearance of the erection, extension or alteration; or (iii) the impact of the development on heritage and archaeology;	N/A
(g)	an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);	N/A
(h)	development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date	N/A

Conclusion

The proposed development complies with Schedule 2, Part 7 Classes M of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, and the LAWFUL DEVELOPMENT CERTIFICATE should be GRANTED.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	26th September 2023	Dated:	28th September 2023