

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00525/CPL	Hamish Rigg	19 June 2023

Address: Kentmere Primary School, Kentmere Avenue, Rochdale, OL12 9EE

Proposal: Certificate of lawfulness for a proposed music pod

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Grant unconditionally
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CHECKED AND SIGNED OFF BY: RK

DATE: 14/07/2023

SITE

The application relates to Kentmere Primary school, located in the residential suburbs of north Rochdale. The proposed music hub would be situated on the school's playing fields, towards the boundary with Buckley Road.

The school is surrounded by residential terrace properties to the north, east and south. To the west is Penthouse Carpets, an industrial warehouse unit. The wider context incorporates a patchwork of green space and local amenities consistent with residential suburbs.

PROPOSAL

Permission is sought for the erection of a 'music hub' – a stand-alone, single storey, pre-fabricated building with a ridged roof. The structure would be made out of a cold rolled steel frame with timber cladding on the elevations and composite cladding on the roof. Included are windows on each elevation, and a single door on the front elevation.

The structure would be 7.5m by 7.5m – 56.25m². The height to eaves would measure 2.5m, whilst the maximum height would measure 3.2m.

RELEVANT PLANNING LEGISLATION

The Town and Country Planning Act (1990) - S.192

- (1) If any person wishes to ascertain whether—
 - (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
- (2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- (3) A certificate under this section shall—
 - (a) specify the land to which it relates;
 - (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
 - (c) give the reasons for determining the use or operations to be lawful; and
 - (d) specify the date of the application for the certificate.
- (4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness

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

Part 7 – Non-domestic extensions, alterations etc

Amended by:

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021

National Guidance

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, this application has not been publicised.

ANALYSIS

Part 7, Class M

Part 7 – Non-domestic extensions, alterations etc

Class M – extensions etc for schools, colleges, universities, prisons and hospitals

M.1 Development is not permitted by Class M—

(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;

COMPLIES: The proposals would not increase the cumulative footprint of the building by over 250 square meters, or by 25% of the cumulative footprint of the school building as it was on 21st April 2021

(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;

COMPLIES: Development would not fall within 5 metres of the boundary of the curtilage of surrounding residential properties.

- (b) 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;

COMPLIES: The development would not result in any land used as a playing field, or used as a playing field within the 5 years before development would commence, could no longer be used.

- (c) if the height of any new building erected would exceed 5 metres 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;

COMPLIES: The proposals do not include a building exceeding 5m in height and therefore paragraph (d) does not apply.

- (da) if the height of any rooftop structure would exceed 1.5 metres;

COMPLIES: The proposals do not include a roof top structure and therefore paragraph (da) does not apply.

- (d) 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;

COMPLIES: an existing building is not being altered and therefore paragraph d (i & ii) does not apply.

- (e) if the development would be within the curtilage of a listed building; or

COMPLIES: Development would not take place within the curtilage of a listed building.

- (f) 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.

COMPLIES: The predominant use of the school buildings is for education.

The proposed development as set out within the description of the application and within the submitted plans would comply with the criteria as set out under Part 7 Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2105 (as Amended). It is considered that the

proposal comprises permitted development and a Certificate of Lawful Development should be granted.

Conditions

M.2 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;
- (b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
- (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; 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.

COMPLIES: The development accords with all the above.

RECOMMENDATION

GRANT UNCONDITIONALLY

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

Supporting report – Quotation
Proposed site plan: OS 100042766
Location plan: SD9015SE
Proposed location plan: TQRQM23156064521369