

APPLICATION NUMBER: 24/00382/CPL

APPLICATION NUMBER: 24/00382/CPL

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

Application Number:	24/00382/CPL
Location:	Moorhouse Primary School, Crossley Street, Milnrow, OL16 4DR
Proposal:	Certificate of lawfulness for replacement of 4 no. windows, 2 no. new external doors and partial removal of an existing external canopy
Applicant:	C Hilton
Case Officer:	Sam Yuen
Recommendation:	Grant

CHECKED AND SIGNED OFF BY: RK

DATE: 03/07/2024

Location

The application relates to Moorhouse Primary School, located in the suburb of Milnrow. The proposed works relate to the north-west facing elevation of the nursery wing of the building to the north of the site which faces an unadopted access road and no. 1 Willows Cottages.

Description of Proposal

Certificate of lawfulness is sought for a number of alterations to the north-west elevation of the building to facilitate changes in the internal layout which includes the addition of toilets and cloakrooms. The works are as follows:

- ☐ The alteration of two existing windows to cobalt blue aluminium door frames;
- ☐ The raising of tarmac to provide level access to altered doors;
- ☐ The replacement of four windows from dark brown uPVC to white aluminium frames;
- ☐ The installation of cobalt blue aluminium fascia, following the partial removal of existing canopy;
- ☐ The application of cobalt blue (RAL 5013) to existing doors;
- ☐ The erection of a mounted galvanised right side door stopper;
- ☐ The repainting of brickwork on the north-west elevation; and
- ☐ The installation of roller shutter with motor on the south-west elevation of the partially-removed canopy.

Relevant History

23/00302/DOC - Submission of details to comply with condition 3 (window and door specifications) pursuant to planning permission 21/01396/FUL (Refurbishment works

including replacement of windows and doors with remedial works to and partial replacement of roofs to infant and junior blocks) – Request Completed

21/01396/FUL - Refurbishment works including replacement of windows and doors with remedial works to and partial replacement of roofs to infant and junior blocks - Grant subject to conditions

17/00684/FUL - Erection of 2.4m and 2.7m high twin-wire fence to be mounted along the front of the site, with three pedestrian gates and two vehicular gates, to replace existing galvanised steel palisade fence and cross-wire fence and the erection of 2.0m high twin-wire fence to be mounted at the rear of the building, with a gate, to form a bin enclosure - Grant subject to conditions

17/00319/FUL - Single storey extension to rear of existing school to form additional classroom - Grant subject to conditions

16/01437/FUL - Installation of 20kw Solar Panels on the roof of Moorhouse Primary School - Grant subject to conditions

16/00687/PRA56 - Notification for prior approval for the installation of 20kw solar panels on roof of Moorhouse Primary School – Withdrawn

07/D49807 - Erection Of Covered Play Area, Installation Of 2.4M High Boundary Fencing To New Soft Play Area And Extension To Existing Car Park - Grant subject to conditions

07/D49074 - Construction Of Covered Play Area And Single Storey Infill Extensions To School Together With Erection Of 2.4M High Fencing To Play Area – Refuse

05/D45564 - Installation Of 2 Steel Storage Containers - Grant subject to conditions

03/D42577 - Construction Of Hard-Surfaced Multi-Use Games Area. - Grant subject to conditions

02/D40669 - Construction Of Ramp Access To Main Entrance Of School - Grant subject to conditions

93/D29159 - Erection Of Single Storey Nursery Building - Grant subject to conditions

Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

Town and Country Planning Act 1990 (as amended)

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

Assessment (Part 7, Class M)

Class M of Part 7 of Schedule 2 of the GPDO allows for the erection, extension or alteration of a school, college, university, prison or hospital building subject to it not being contrary to any of the following criteria:

(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**

☐ **Does Not Comply**

(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;

☒ **Complies**

☐ **Does Not Comply**

Note: The proposal does not relate to a college, university, prison or hospital building.

(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**

☐ **Does Not Comply**

Note: The proposed development is not within 5 metres of the boundary of the curtilage of adjacent no. 1 Willows Cottages.

(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;

☒ **Complies**

☐ **Does Not Comply**

(d) 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**

☐ **Does Not Comply**

Note: The proposal does not comprise the erection of any new building.

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

☒ **Complies**

☐ **Does Not Comply**

Note: The proposal does not comprise any rooftop structure.

- (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;

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

Note: The proposal development does not fall within the curtilage of a listed building.

- (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.

☒ **Complies**

☐ **Does Not Comply**

Note: The predominant use of the existing buildings on the premises of the application site is for the provision of education.

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;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- (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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed development is not sited within article 2(3) land therefore Condition (c) does not apply.

- (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**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed development is not sited within article 2(3) land therefore Condition (c) does not apply.

- (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;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposal comprises changes to the internal layout to accommodate additional toilets, communal sinks and cloakrooms. The submitted plans do not indicate the addition of classrooms and thus is not expected to result in an increase in the school's published admission number. The proposal therefore complies with Condition (e).

- (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;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposal does not relate to a university building.

- (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);

☒ **Complies**

☐ Does Not Comply

☐ Details Not Provided

Note: The application does not relate to prior approval under Class M, therefore Condition (g) does not apply.

(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.

☒ Complies

☐ Does Not Comply

☐ Details Not Provided

Note: The application does not relate to prior approval under Class M, therefore Condition (h) does not apply.

Recommendation: Grant

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:-

- Location Plan – Drawing No. 063_PLN_090 Rev. A received 08/05/2024
- Existing Site Plan – Drawing No. 063_PLN_090 Rev. P01 received 07/05/2024
- Proposed Site Plan – Drawing No. 063_PLN_091 Rev. P01 received 08/05/2024
- Existing Ground Floor Plan – Drawing No. 063_PLN_100 Rev. P01 received 26/04/2024
- Existing North West Elevation – Drawing No. 063_PLN_130 Rev. P01 received 26/04/2024
- Proposed Ground Floor Plan – Drawing No. 063_PLN_200 Rev. P01 received 26/04/2024
- Proposed North West Elevation – Drawing No. 063_PLN_300 Rev. P01 received 26/04/2024

