

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/08/2019
Planning Development Manager authorisation:	GN	22/8/19
Admin checks / despatch completed	ER	22/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	22/08/19

Application: 19/00971/LUPROP **Town / Parish:** Harwich Town Council

Applicant: Mrs Nicky Patrick - Spring Meadow Primary School

Address: Spring Meadow Primary School Pound Farm Drive Dovercourt

Development: Proposed infill to create new office.

1. Town / Parish Council

Harwich Town Council Notes this application.

2. Consultation Responses

N/A

3. Planning History

95/00732/FUL	(Spring Meadow County Primary School, Pound Farm Drive, Dovercourt) Extension to staff room and creation of new play area	Approved	20.07.1995
96/00887/FUL	(Spring Meadow School, Pound Farm Drive, Dovercourt) Conversion of covered area to activities area	Approved	19.08.1996
04/00020/FUL	Single storey extension, replacement of glass roof with plastic steel profile roof placement, air conditioning unit on existing flat roof	Approved	19.02.2004
07/01400/CMTR	New active play area for Early Years.	Approved by another authority	21.09.2007
07/02026/CMTR	Single storey extension to caretaker's house to provide space for cooking and general behaviour skills teaching.	Approved by another authority	11.01.2008

16/01065/FUL	Provision of a single classbase building for a temporary period until 30th September 2021.	Approved	
16/01135/FUL	Provision of a single classbase building for a temporary period until 30th September 2021.	Approved	26.09.2016
17/00255/FUL	Erection of a single storey extension to the existing building which is a pre-school.	Approved	28.04.2017

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is Spring Meadow Primary School, Pound Farm Drive, Dovercourt. The application site is located within the development boundary of Harwich.

Proposal

The application seeks a Lawful Development Certificate for a proposed development, in this case a proposed infill to create a new office.

The additional cubic content of the resulting roof space will be 21.9 cubic metres.

A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'

The plans submitted with the application show the proposed office.

Assessment

The main considerations are Planning History and the General Permitted Development Order.

Planning History

Under Schedule 2, Part 7 of the Town and Planning (General Permitted Development) Order 2015, Class M allows for non-domestic extensions and alterations. As such, the site benefits from permitted development rights.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the infill to create a new office. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development, reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed office falls to be considered under Schedule 2, Part 7, Class M of the order - '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 cumulative gross floor space would not exceed 25% of the gross floor space of the original school or would not exceed 100 square metres.

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

The proposed offices would not be within 5 metres of the boundary of the curtilage of the premises.

(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;

The proposal is within the existing school and therefore it will not impact upon the playing field.

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

The proposed office would not exceed 5 metres in height as it measures approximately 4.35 metres.

(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 height of the proposed building will not exceed 5 metres or exceed the height of the existing building.

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

The proposal is not 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.

The predominant use of the proposal 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;

The development is 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 development will be used for an office within the existing school and therefore meets this condition.

(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

The proposal is for an extension and therefore this criteria 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.

The application site is not on article 2(3) land. The proposal will be constructed from materials matching those used in the existing building.

Other considerations

Harwich Town Council notes this application

No letters of representation have been received.

Conclusion

It is therefore concluded that the proposed infill to create a new office is permitted development.

Therefore a Certificate of Proposed Lawful Development can be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2 Part 7 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

N/A

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO