

Delegated Report

Planning Ref: 25/00401/CLP
Applicant: Mr Chris Hall
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: St Margarets Church Of England Aided Primary School, High Street, Stoke Golding

Proposal: Certificate of proposed lawful development for Year 1 Classroom extension, amendments to windows and openings to Reception and Year 3 Classrooms and associated external works.

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the proposed development of a single storey extension to an existing classroom, and alterations to and replacement of windows and doors to other existing classrooms, at the existing school premises at St Margaret's Church of England Primary School, High Street, Stoke Golding.
- 2.2. The proposed extension to would project 2.65 metres from the eastern elevation of the existing classroom for a length of 6.75 metres and would be 4 metres in height. A new fire exit door is to be installed in addition to three grey uPVC windows.
- 2.3. The extension would form additional space for an existing classroom.
- 2.4. The alterations to and replacement of windows and doors involve the replacement of one door, widening and replacement of one door, reduction and replacement of one door, removal and infill of one door, replacement of four windows, and the widening of two window openings to create curtain walls with integral blinds. Doors and windows on the court-facing western elevation are to be finished in white, while all other replacement doors and windows on other elevations are to be finished in grey.

3. Description of the site and surrounding area

- 3.1. The site of St Margaret's Church of England Primary School is located within the settlement boundary of Stoke Golding. The school site contains a large school building to the centre of the west of the site, with car parking to the north-west off High Street, play courts to the south and south-west, and a sport field to the east.
- 3.2. The development site comprises two classrooms and a hallway in the west and three classrooms in the south-east of the existing school building, as well as an area within the curtilage on the eastern side of the building.
- 3.3. The school site is surrounded to the north, east and south by residential properties. To the west is Saint Margaret of Antioch Church and further residential properties surrounding the church.

4. Relevant planning history

Nil.

5. Publicity/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

6. Policy

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

7. Appraisal

- 7.1 The main consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 7, Class M.
- 7.2 It is noted that Class M covers the erection, extension or alteration of a school, college, university, prison or hospital building.

Development is not permitted under Class M-

- (a) *if the cumulative footprint of any erection, extension or alteration under Class M or on the relevant date (21 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 the relevant date, or, (ii) 250 square metres.*

The extension has a floor area of 17.8 square metres and the replacement windows and doors to not contribute to any additional floor area. The proposal therefore does not exceed this parameter.

- (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.*

The development site is a minimum of 8.4 metres from the curtilage of the nearest residential uses.

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

The extension is located on the edge of a playing field within the school site and the development would extend buildings and associated hardstanding a further 2.5 metres into this area of the field. Notwithstanding this, these areas along the existing edge of the school building do not form part of the core functional areas of the field and would not result in it no longer being able to be used as such.

- (d) *if the height of any new building would 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.*

The extension has a height of 4 metres and therefore does not exceed the maximum permitted height. The replacement windows and doors have no impact on the existing building height.

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

There are no rooftop structures proposed.

- (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.*

The extension has a height less than 5 metres and less than that of the building that is being extended.

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

The development is not within the curtilage of a listed building.

- (g) *unless – (i) in the case of a school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education...*

The buildings on the premises are predominantly used for education.

Development is permitted under Class M subject to the condition that-

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

The extension is to be used as classroom space for the school. The window and door replacements are incidental to the use of the school.

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

The new building is an extension and is not within article 2(3) land.

- (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 extension is not within article 2(3) land.

- (e) *where proposed development under Class M related 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.*

The planning statement accompanying the application states that the proposal will not increase the school's published administration number.

- (f) *where proposed development under Class M related to the erection, extension or alteration of a university building, development is permitted subject to a 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...*

The proposed development is not related to a university building.

- (g) *an application required under paragraph (f) is to be made and determined in accordance with Paragraph M.2A...*

Paragraph (f) does not apply to the development as it is not related to a university building.

- (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.*

Paragraph (f) does not apply to the development as it is not related to a university building.

- (i) *where proposed development under Class M related to the erection, extension or alteration of an open prison building, before beginning development the developer must— (i) assess the contamination and flood risks of the development, (ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development, (iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M), (iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j).*

The proposed development does not relate to an open prison building.

- (j) *the documents and information specified in sub-paragraph (i)(iv) are; (i) a written description of the proposed development, (ii) a plan indicating the site and showing the proposed development, (iii) a drawing, prepared to an identified scale, showing— (aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and (bb) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration, (iv) the proposed commencement date, (v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date, (vi) the developer's contact address, (vii) the developer's email address if the developer is content to receive communications electronically.*

Sub-paragraph (i)(iv) does not apply as the development does not relate to an open prison building.

8. Equality implications

8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3 There are no known equality implications arising directly from this development.

9. Conclusion

9.1 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 (as amended).

10. Recommendation

10.1 **Grant Certificate of Lawful Proposed Development**

11.1 Notes to applicant

- a) The application has been determined with consideration to the following submitted documents:
 - Certificate of Lawful Proposed Use Application Form
 - Planning Statement
 - Site Location Plan
 - Existing Ground Floor Plan Drg No A2-02
 - Existing Elevations Drg No A4-01
 - Proposed Ground Floor Plan Drg No A2-02 Rev B
 - Proposed Elevations Drg No A4-03as received by the Local Planning Authority on the 14th April 2025.