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9<sup>th</sup> August 2021

Dear Sir/Madam

#### CERTIFICATE OF LAWFULNESS OF PROPOSED DEVELOPMENT

ALTERATIONS TO THE EXISTING BUILDING INCLUDING NEW DOORS AND CANOPY TO REAR ELEVATION, RAMPED ACCESS TO REAR DOORS, NEW ACCESS GATES TO EXISTING BOUNDARY FENCES AND PROPOSED NEW FENCING AND GATES WITHIN SITE, PROPOSED RECONFIGURATION OF CYCLE AND CAR PARKING AND RELOCATION OF EXISTING SHED.

NORTH KINGSTON CHILDREN'S CENTRE, LATCHMERE ROAD, KINGSTON UPON THAMES, KT2 5TU.

Please accept this covering letter as an accompaniment to a lawful development certificate application to confirm that planning permission is not required for 'Alterations to the existing building including new doors and canopy to rear elevation, ramped access to rear doors, new access gates to existing boundary fences and proposed new fencing and gates within site, proposed reconfiguration of cycle and car parking and relocation of existing shed' at North Kingston Children's Centre, Latchmere Road, Kingston Upon Thames.

#### The site

North Kingston Children's Centre is located on the south side of Latchmere Road and comprises a single storey education building with hardstanding parking to the front accessed from Latchmere Road and a playground to the rear. The Council has leased the site to Achieving for Children (AfC) until March 2026 and should be leased to Orchard Hill College and Academy Trust (OHCAT) from September 2020 in order to provide another satellite Dysart School.

The use of the site by Dysart School will enable 20 primary-aged children with special educational needs and disabilities (SEND) to be educated there on a daily basis, so that space can be freed up at Dysart's main site to accommodate more secondary aged pupils who would otherwise be educated outside the borough and most likely in high-cost residential special schools.

The area is characterised by residential development and a number of schools including Latchmere School and St Agatha's Catholic Primary School.

The property is neither listed nor located within a Conservation Area.

#### The proposed development:

This application seeks confirmation that planning permission is not required for proposed works at North Kingston Children's Centre, Latchmere Road, Kingston Upon Thames by virtue of the provisions set out under Class A of Part 2 and Class M of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

The proposed works can be best described as 'Alterations to the existing building including new doors and canopy to rear elevation, ramped access to rear doors, new access gates to existing boundary fences and proposed new fencing and gates within site, proposed reconfiguration of cycle and car parking and relocation of existing shed'.

In detail the proposed works comprise the following:

- New access gates to existing east and west boundary fences between playground and St Agatha's Drive and Latchmere School respectively;
- New 2m high mesh fencing and gate to enclose external air conditioning units/plant area;
- New sensorial playground with 1.2m high timber picket fence and gate;
- Relocation of existing shed in rear playground;
- Proposed 8m x 3m attached canopy and double doors to rear elevation;
- New ramped access to double doors on rear elevation;
- Reconfiguration of front hardstanding area to provide 2 cycle racks and 2 parking spaces;

For full details of the proposed development please refer to the supporting plans.

#### Article 4 Directions

The Royal Borough of Kingston Upon Thames has no Article 4 Directions which remove permitted development rights for extensions and alterations to the existing site.

#### Permitted Development Rights

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) is a statutory instrument, applying in England, that grants planning permission for certain types of development (such development is then referred to as permitted development). Schedule 2 of the GPDO specifies the classes of development for which planning permission is granted, and specifies the exceptions, limitations, and conditions that apply to some of those classes.

Class A of Part 2 relates to permitted development rights in relation to gates, fences and walls, and Class M of Part 7 refers to the erection, extension and alterations of a school building.

The following provides an assessment of the proposed works in accordance with these specific parts of the GPDO.

### Part 2, Class A – Gates, walls and fences

#### Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

#### Development not permitted

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

The proposed fences and gates between the sensorial playground area and the technical area/air conditioning units area do not exceed 2m in height and comply. The proposed gate to the existing west boundary fence between the playground and Latchmere School does not exceed 2m in height and complies. Furthermore, the proposed works do not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

N/A

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposed gate to the existing east boundary fence between the playground and St Agatha's Drive measures 2.1m in height but would not exceed the height of the existing fence and therefore complies.

#### Part 7 - Class M (extensions etc for schools)

##### Permitted development

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

##### Development not permitted

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;

The area of the canopy (24sqm) and the shed (6sqm) combined would not exceed the above footprint thresholds and complies. The proposed new doors, cycle racks and the ramped access would have no built floorspace and 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;

N/A

(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/A – The site is not adjacent to a site in use for residential purposes.

(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/A – The site does not contain a playing field.

(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;

The above height limits are not exceeded. The shed has a height of 2.2m.

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

N/A- No structures are proposed to the rooftop.

(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 above height limits are not exceeded. The canopy will have a height of 3.3m and is no higher than the existing building.

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

N/A

or

(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;

The predominant use of the building 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;

N/A

(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

## 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, prison or hospital;

The development is within the curtilage of an existing school site.

(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 development is to be used as part of, or for a purpose incidental to, use of that school.

(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 - The site is not located 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;

N/A - The site is not located within article 2(3) land

(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 - The proposed works will not result in an extension of the existing building and therefore the existing gross internal floor area of 175sqm is to remain as existing. The proposed works are therefore unlikely to result in the increase in the schools published admission number over and above existing numbers.

(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; (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); (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

### Summary

A lawful development certificate is sought, confirming that planning permission is not required for the above proposed works.

There are no Article (4) directions that restrict the proposed works and as outlined above, the proposed development is permitted by virtue of the provisions set out under Class A, Part 2 and Class M Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

I trust the commentary above is clear but if you require any points of clarification or have any questions, please do not hesitate to contact me.

Yours faithfully

Stuart Minty  
Director  
SM Planning