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## Submitted via Planning Portal

12<sup>th</sup> January 2024

Sam Malis  
Planning & Building Control  
Directorate of Regeneration  
Enterprise and Skills  
Royal Borough of Greenwich  
Woolwich Centre, 5th Floor  
35 Wellington Street  
London SE18 6HQ

Dear Sam

**Re: Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 Application for a Certificate of Lawfulness for Proposed Operational Development –Erection of a Sports Pavilion**  
**At: Colfe's School, Horn Park Lane**

On behalf of our clients, Colfe's School, we have today submitted (via Planning Portal) an application for a Certificate of Lawfulness for Proposed Operational Development, namely the erection of a new Sports Pavilion. The Sports Pavilion is proposed to be located adjacent and to the east of the existing sports hall, on an area of grassed amenity space between the Sports Hall and the existing, fenced Multi Use Games Area (MUGA), at Colfe's School, Horn Park Lane, Lee. The new Sports Pavilion will provide 4 new changing rooms, with associated toilets (including two new accessible toilets and staff and visitor facilities), a sports equipment store and sports staff hub. The building is single storey, with a sloping mono-pitched roof and a canopy along its front elevation. The design vision for the building is set out in the attached Design intent statement, prepared by the School's architect's (TP Bennett).

In addition to the requisite application forms and legal notices, the following drawings and documents are submitted with this application:

- Drawing no. A12352 F1001 Rev. I1 - Site Location Plan
- Drawing no. A12352 F1010 Rev. I1 - Existing Block Plan
- Drawing no. A12352 D1010 Rev. I1 - Proposed Block Plan
- Drawing no. A12352 D1011 Rev. I1 - Proposed Roof Plan
- Drawing no. A12352 D1100 Rev. I1 - Proposed Plan Section and Elevations
- Drawing no. 2906 A101 P1 - Footprint Calculation Plan

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- Letter for Neil Bradford, Director of Operations & Estates, dated 12<sup>th</sup> January 2024 confirming that the new changing facilities are required to meet the needs of existing students.
- Design Intent –Architects note, prepared by TP Bennett

This application seeks confirmation that the proposed new Sports Pavilion complies with the requirements of Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such is lawful.

#### Background

Colfe's has a strong commitment to sports and an extensive programme of sports and games activities. They compete in netball, rugby, hockey, swimming, cricket, football, athletics, cross-country, tennis and biathlon and all activities are open to every pupil (boys and girls). In the past year, all pupils in year 7 represented the school in some form of sporting event. PE and Games are compulsory curriculum requirements from year 7 through to year 11 and continue to be encouraged in sixth form, with most students participating in some way.

For some time, the school has suffered from a lack of changing accommodation, with many students forced to change in classrooms or toilets in advance of PE and Games lessons. For competitive sports fixtures, students must arrive in their sports kit and leave without changing or washing, due to the lack of available facilities. There is also a lack of accessible toilets for use in association with the school playing fields, all of which are used regularly for competitive fixtures at the weekend, as well as for school sports lessons during the week.

The proposed Sports Pavilion has been designed to address this existing deficiency, providing new changing rooms, showers and accessible toilets to meet the needs of existing students, as well as visitor and accessible toilets to accommodate visiting teams, staff and parents. The new building will also include new storage space for external sports equipment. This equipment (which includes high value items such as jump mats) is currently stored in a sub-standard container, which is not watertight and is some distance from the sports pitches. The relocation of equipment to a storage area in close proximity to the sports pitches will reduce the risk of damage to equipment; save time; and reduce risks for staff when transporting equipment. All new facilities are required to meet the existing needs of the school.



### Planning History

A previous application for a certificate of lawfulness for the proposed new Sports Pavilion was refused by the Royal Borough of Greenwich on the 3<sup>rd</sup> January 2023 (23/3714/CP). The reasons for refusal did not relate to the building itself, but to other minor development, which was shown on the previously submitted plans. The plans have been amended to remove all reference to other minor development and we confirm that this application seeks confirmation of the lawfulness of the Sports Pavilion building only. For clarity, the following elements are excluded:

- Acoustic fence;
- Amendments to existing fencing around the sports centre;
- New door opening in the existing Sports Centre;
- New areas of hard-standing;
- Air Source Heat Pump (the building will operate with conventional gas heating);
- Earth bund.

### Legislative Background

The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 affords permitted development rights to educational establishments by virtue of Class M, which allows for 'The erection, extension or alteration of a school, college, university or hospital building' subject to specified provisions, conditions and limitations. The Order was amended in 2021 (the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (SI number 428)) (GPDO) to expand the scope of existing permitted development. The amended Order came into force on 21st April 2021.

Schedule 2, Part 7, Class M of the GPDO (as amended) permits the following:

***'the erection, extension or alteration of a school, college, university, prison or hospital building'***.

It then specifies certain forms of development that are not permitted by Class M. The new Sports Pavilion is considered with reference to these limitations below, with the conclusion that they are permitted by virtue of the Order:

- The upper threshold for the amount of new development is capped at no more than 25% of the footprint of the current buildings on the site as of 21 April 2021, or 250 square metres, whichever is the greater.

*The footprint of buildings within the Colfe's school site on the 21<sup>st</sup> April 2021 was 10,067 sq.m. (refer to attached footprint calculation plan). Since this time the school have erected the following buildings (both confirmed as being lawful through certificate of Lawfulness applications):*



- *Two temporary classrooms*                      *122 sq.m. (LDC ref. 22/1221/CP, dated 1<sup>st</sup> June 2022)*
- *Modular Classroom Building*                      *339.7 sq.m. (LDC ref. 22/2416/CP, dated 9<sup>th</sup> Sept. 2022)*

*The Sports Pavilion proposed through this application is 300 sq.m. and therefore the cumulative total footprint of new buildings, erected since 21<sup>st</sup> April 2021 remains within the upper footprint threshold permitted by the GPDO.*

- No part of the development is within 5m of the boundary of the curtilage of the premises.  
*The proposed new Pavilion is 5.525m from the nearest boundary (please refer to submitted drawing no. A12306 D 1010 Rev. 11).*
- No part of the development is within 5m of the boundary of the curtilage of residential land.  
*As above, the proposed new Pavilion is 5.525m from the nearest boundary, which in any event is a boundary with the railway line, rather than a residential boundary.*
- No development may prevent land being used as a playing field.  
*The proposed new Pavilion is on an area of grassed amenity space between the existing Sports Hall and the fenced MUGA. Other School playing fields are on the opposite side of a hard surfaced walkway. It is not linked to and forms no part of a school playing field.*
- The height of the temporary classrooms is 4.850m, which is below the maximum building height of 5m (as permitted for buildings in between 5 and 10m from the curtilage of the premises).
- No roof top structures are proposed.
- There are no listed buildings within the school site.

Class M permits development subject to a number of conditions, all of which are met by the proposed development, as follows:

- (a) the development will be within the curtilage of the existing school;
- (b) the development will only be used as part of, or for a purpose incidental to, the use of the existing school;
- (c) the school site is not within a conservation area and as such there is no requirement to construct the buildings using materials which have a similar external appearance to those used for the original school.
- (e) the temporary classroom buildings are required to accommodate existing pupil numbers and will not result in an increase in the school's published admission number (refer to enclosed Pupil



Statement from Colfe's school, dated 25<sup>th</sup> October 2023). As such there is no requirement to submit a travel plan for the site.

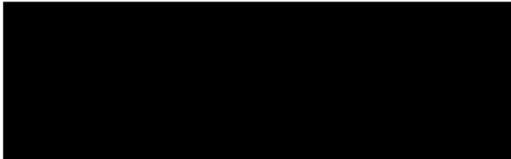
#### Other Matters

We have undertaken a Local Land Charges search (Search no. ONL/21/05208, dated 12th November 2021), to confirm the planning history of the school and reviewed all available planning permissions. None of these were subject to restrictive conditions which would prevent development, as permitted by the General Permitted Development Order 2015 (as amended) or the use of the amenity space for the siting of a classroom building. It is clear from the submitted plans and the evidence provided that the proposed new buildings meet the specific conditions and limitations of class M and as such may be lawfully erected, by virtue of the GPDO.

The development will not result in an increase in the school's published admission number (refer to letter from the School's Director of Operations & Estates, dated 12<sup>th</sup> January 2024) and as such there is no requirement to submit a Green Travel Plan.

I trust that with the benefit of the above and the enclosed, you have sufficient information to determine this application. However, if you do require anything further, please do not hesitate to contact me.

Yours sincerely



**Meghan Allen**

**Associate**

**NTR Planning**

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Enc.