
Certificate of Lawfulness Supporting Statement

Frogwell Primary School

Ref No: 7427



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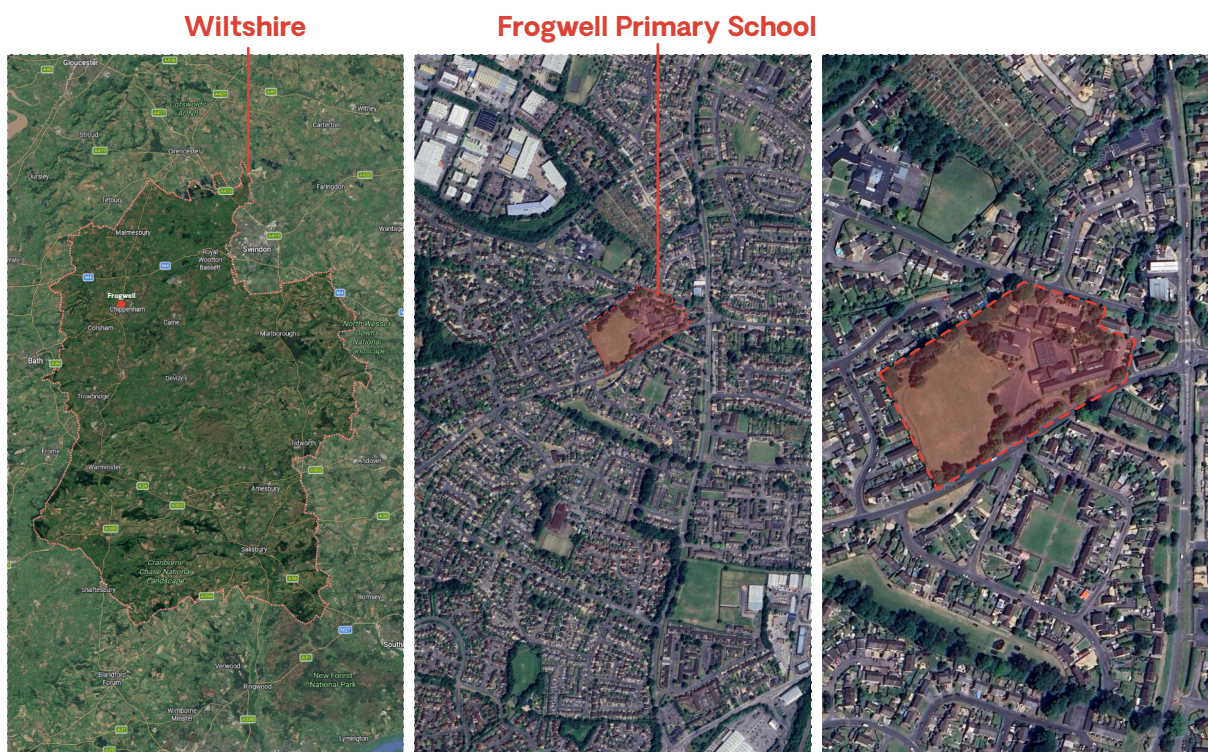
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Introduction

This statement supports the Certificate of Lawfulness for a new SEN Resource Base Internal Refurbishment in the north wing of Frogwell Primary School, as well as the refurbishment of the Children's Block for a new Early Year's provision. The refurbishment of the school will replace three existing temporary mobile buildings.

Application site

The application site is situated north of Chippenham and south of the M4. There is pedestrian and vehicular access from Derriads Lane and Frogwell.



Site Photos



Proposed Development

Frogwell Primary School was originally a 2FE Primary School and also has a separate Children's Centre that is now vacant. The school had a nursery provision in an existing mobile building that is also vacant. The school is currently operating as a 1FE school with 199 pupils on role educating children from age 5-11. It also has a dedicated SEN Resource base that accommodated 25 pupils- two-thirds of which are within KS2.

The proposed accommodation includes:

- 3no. 48sqm (minimum) SEN classrooms with a designated group room (8sqm)
- New toilets (age appropriate)
- Open plan resource base
- SEN staff room
- A re allocated food technology room
- Early years classroom
- External designated play
- Teaching store
- Cloaks

It is anticipated that the existing Children's Centre will come back into school use. It is equipped with its own car park.

Existing windows in the refurbished wing will be enlarged for better daylighting and assist with improved ventilation strategies for healthier classrooms. For free-flow opportunities, additional doors have been proposed for direct access to the external play.

The proposed development is shown on the accompanying plans:

- 2425-FTP-ZZ-FS00-DR-A-1004-P04-Existing GF Plan - Children's Centre
- 2425-FTP-ZZ-FSZZ-DR-A-2004-P04-Proposed Elevation - Main School
- 2425-FTP-ZZ-FSZZ-DR-A-2003-P04-Proposed Elevation - Children's Centre
- 2425-FTP-ZZ-FSZZ-DR-A-2002-P04-Existing Elevation - Children's Centre
- 2425-FTP-ZZ-FSZZ-DR-A-2001-P04-Existing Elevation - Main School
- 2425-FTP-ZZ-FS00-DR-A-1007-P04-Proposed Site Plan
- 2425-FTP-XX-FS00-DR-A-1012-P04-Proposed Children's Centre Roof Plan
- 2425-FTP-XX-FS00-DR-A-1009-P04-Proposed SEN Roof Plan
- 2425-FTP-XX-FS00-DR-A-1006-P04-Proposed SEN Ground Floor Plan
- 2425-FTP-ZZ-FS00-DR-A-1005-P04-Proposed Ground Floor - Children's Centre
- 2425-FTP-ZZ-FS00-DR-A-1003-P04-Existing Ground Floor Plan - Main School
- 2425-FTP-ZZ-FS00-DR-A-1002-P04-Existing Site Plan
- 2425-FTP-XX-FSXX-DR-A-1001-P04-Site Location and Block Plan

Proposal within Part 7, Class M

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

Permitted development

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

Development not permitted

M.1 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 footprint of the existing school is 2734.1 sqm. The area being refurbished (altered) is 575.4 sqm of within this existing footprint. This is 575.4 sqm of 2734.1 sqm is 21% of the cumulative area, therefore M.1(a) is met.

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

Due to the nature of the internal refurbishment, the proposal does not exceed the existing footprint, which is a minimum of 7 metres from the site boundary.

(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 does not affect the playing fields on site.

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

The internal refurbishment proposal is within the building fabric/ envelope of the existing buildings on site.

(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 internal refurbishment proposal is within the building fabric/ envelope of the existing buildings on

site.

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

The development 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 use of the existing buildings on the 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;

The building would be within the curtilage of an existing school, Frogwell Primary 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 building will be used as part of, or for purposes incidental to, the school, as teaching space, specifically an SEN resource base and Key Stage 1 Classrooms.

(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

No buildings are being erected as part of the proposal. The internal refurbishment proposal is within the building fabric/ envelope of the existing buildings on site.

(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 proposed materials are:

- Aluminium windows and doors, with matching soldier-course brick headers to reflect the existing school building and local vernacular.

- Weathered timber cladding, introduced to soften the appearance of the strong red brick and add a natural, tactile finish.

Interpretation of Class M

M.3 For the purposes of Class M—

“original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class M; and “school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use),

where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

Class N – hard surfaces for schools, colleges, universities or hospitals

Permitted development

N. Development consisting of—

(a) the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

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

(a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;

The new designated hard play area adjacent to the classrooms will comprise resurfaced permeable paving to the existing hard play area. No existing trees are proposed to be removed as part of the scheme, and the existing boundary treatment will be retained.

At present, there will be a Net Loss of hard landscape from the existing of 170sqm due to the removal of the existing mobiles for soft landscaping.

(b) 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; or

(c) the development would be within the curtilage of a listed building.

Frogwell Primary School is not within the curtilage of a listed building.

Conditions

N.2 Development is permitted by Class N subject to the following conditions—

(a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and

There is no risk of groundwater contamination on site.

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

The proposed hard landscaping is made of porous material.

Conclusion

For these reasons, it is understood that the proposal, as shown on the accompanying plans, is permitted development under Part 7, Class M of the General Permitted Development Order.

This application for a Certificate of Lawful Development for a Proposed Use or Development is submitted to Wiltshire Council to provide Frogwell Primary School with proof that the building is lawful, and planning permission is not required, prior to the commencement of works on site.



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