



Council Offices, Kiln Road,  
Thundersley, Benfleet,  
Essex SS7 1TF.  
Tel. No: 01268 882200  
Fax No: 01268 882455



**David Marchant** LLB (Hons) BSc (Hons) CEng FICE FCMl  
**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 7<sup>th</sup> February 2017 at 7.30 p.m.

**Venue:** Council Chamber

**N.B. This meeting will be webcast live on the internet.**

**Membership:** Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Taylor, Varker, Mrs Wass and Wood.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Kim Fisher – Special Projects Officer  
Fiona Wilson – Head of Legal Services

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 10<sup>th</sup> January 2017 is attached.

#### 4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

## 5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No	Address	Page No
1.	16/0917/FUL	Former Castle View School, Meppel Avenue, Canvey Island, Essex, SS8 9QB (Canvey Island Winter Gardens)	1

Agendas and Minutes can be viewed at [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)  
Copies are available in larger print & audio format upon request  
If you would like a copy of this agenda in another language or alternative format:  
Phone: 0207 520 1431 or email [translations@languageline.co.uk](mailto:translations@languageline.co.uk)

**DEVELOPMENT CONTROL COMMITTEE**

**10<sup>th</sup> JANUARY 2017**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Cole, Mrs King, Mumford, Sharp, Sheldon, Taylor, Varker, Mrs Wass, Wood and Canvey Island Town Councillor Greig.

Councillors Dick and Ladzrie also attended.

No apologies for absence were received.

The Committee expressed condolences at the recent sad loss of Jenifer Howlett, a former Chairman of the Committee.

**22. MEMBERS' INTERESTS**

Councillor Mrs King declared a Disclosable Pecuniary Interest in Agenda Item 3, as shown under Minute No. 24(c) because she was the owner of the application site.

**23. MINUTES**

The Minutes of the meeting held on 6<sup>th</sup> December 2016 were taken as read and signed as correct.

**24. DEPOSITED PLANS**

At the beginning of the meeting the Chairman changed the running order of the agenda.

**(a) 16/0890/FUL - BIRCHES VIEW, GREAT BURCHES ROAD, THUNDERSLEY BENFLEET, ESSEX – SINGLE STOREY REAR EXTENSION TO PROVIDE ANCILLARY ACCOMMODATION**

The application sought permission for an extension to an existing bungalow to be used as annexe accommodation. The Planning Officer reported that such a form of development, together with previous extensions to the property, was felt to result in disproportionate additions to the original dwelling which amounted to inappropriate development within the Green Belt.

The applicants had submitted that the proposal represented appropriate development but even if it were inappropriate development very special circumstances existed to justify it.

The Planning Officer was of the view that the proposed development was inappropriate and that none of the circumstances put forward in support of the proposal amounted to very special circumstances. It was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Dick in order that the Committee may consider the proposals in the context of Green Belt policy and whether there were any very special circumstances in this case.

Mrs Abbott, the applicant, spoke in support of the application.

Councillor Dick, a Ward Member, spoke in support of the application.

During debate some Members expressed the view that given the large size of the site the proposed development was appropriate and in light of the circumstances of the applicant considered that there were very special circumstances which outweighed any potential harm to the Green Belt. Furthermore, when considering the application Members gave greater weight to the emerging New Local Plan than the Council's Adopted Local Plan.

A Member suggested that if the Committee was minded to approve the application Permitted Development Rights be removed to prevent further development on the site. The Planning Officer advised that it was unnecessary to remove all Permitted Development Rights and recommended that Classes A and B would be appropriate.

Following debate the Committee voted against the officers' recommendation for refusal. A further Motion was put and the following was agreed:

**Resolved –**

1. That the application is approved because the weight given to the emerging New Local Plan should be greater than that given to the 1998 Adopted Local Plan, that the proposal is appropriate given the size of the site and that there are very special circumstances which outweigh the harm to the Green Belt.
2. That a condition is attached to the approval that Permitted Development Rights Classes A and B be removed.

**(b) 16/0916/FUL - 76 KENNETH ROAD, THUNDERSLEY, BENFLEET, ESSEX  
SS7 3AW - DEMOLISH EXISTING CONSERVATORY AND CONSTRUCT A  
SINGLE STOREY REAR EXTENSION**

The application sought planning permission for the demolition of an existing conservatory and construction of a single storey flat roofed side extension to provide an enlarged lounge and dining /kitchen room. The proposal satisfied all policy and design guidance requirements and was recommended for approval.

The application was presented to the Committee because one of the applicants was employed by the Council.

Members concurred with the Planning Officer's recommendation and it was:

**Resolved** – That the application is approved subject to the conditions as set out in the Planning Officer's report.

**(c) 16/0433/FUL – SLUICE FARM, HAVEN ROAD, CANVEY ISLAND - LIVERY TO INCLUDE STABLES, HAY STORES, GARAGE, OFFICE, 2 MÉNAGES AND ASSOCIATED PARKING**

The Planning Officer reported that the proposal represented inappropriate development in the Green Belt and that the National Planning Policy Framework (NPPF) identified that such development could only be permitted under very special circumstances.

Whilst the proposal would result in inappropriate development in the Green Belt which would have an impact on the openness of the Green Belt, the NPPF openly encouraged the provision of opportunities for outdoor recreation, improved biodiversity and improved landscape. The proposal would provide opportunities for countryside recreation which would be consistent with the Government objective of seeking to provide positive uses within the established Green Belt. It was considered that this factor, coupled with the limited harm to the strategic function, character and appearance of the Green Belt provided very special circumstances which weighed in favour of the proposed development.

The proposal would have no adverse impact on ecological features of interest and provided an opportunity for improved landscape management and enhanced biodiversity. It was considered that these factors also weighed in favour of the proposal.

Whilst the proposal did represent an increased flood risk, the level of risk associated with the development was considered acceptable. The site would not experience significant fluvial or pluvial flood events.

The increased use of the site arising for the intensification of development, would have implications for traffic flows, however these were considered capable of being accommodated within the existing highway network. Parking on site was considered adequate and the design and appearance of the proposal was acceptable.

The Committee noted that the proposal would have no adverse impact on archaeological features or the setting of nearby Listed Buildings.

The proposal was therefore recommended for approval.

During debate Members indicated their support for the proposal as it was felt that the development would protect the future use of the land and commended the design of the scheme.

In relation to the conditions recommended in the Planning Officer's report, a Member raised concern regarding the impact of Condition 17, which stated that no scrub or vegetation removal should take place between March and September and Condition 16 which required the applicant to employ a qualified ecologist to undertake a search on site to identify any reptiles that should be translocated. It was considered that the imposition of these conditions could delay work on site. Also it was felt that the requirement to appoint an archaeologist under Condition 14 was unnecessarily harsh and could have a similar effect.

The Planning Officer explained why the conditions were necessary and following discussion Members suggested that the applicant be advised to employ an ecological specialist and archaeologist as soon as possible to allow the development to commence on site as soon as possible.

Following debate it was:-

**Resolved** - That the application is approved subject to the conditions as set out in the Planning Officer's report and that an Informative is attached to the decision notice encouraging the applicant to appoint an ecological specialist and an archaeological organisation at the earliest opportunity, in order to facilitate commencement of development at the earliest opportunity.

Chairman

**ITEM 1**

<b>Application Number:</b>	<b>16/0917/FUL</b>
<b>Address:</b>	<b>Former Castle View School Meppel Avenue Canvey Island Essex SS8 9QB (Canvey Island Winter Gardens)</b>
<b>Description of Development:</b>	<b>Change of use from D1 (non-residential institution) to C2 (residential institution) and form dormitory accommodation in the first floor</b>
<b>Applicant:</b>	<b>JCOCI EDUCATIONAL ESTABLISHMENT</b>
<b>Case Officer</b>	<b>Ms Kim Fisher</b>
<b>Expiry Date:</b>	<b>16.03.2017</b>

---

**Summary**

The application seeks to change the use of the former Castle View School from Class D1 use (non residential institution) to C2 use (residential institution).

The proposal represents an appropriate use of a building in the Green Belt, however an unfettered Class C2 use on the site is considered capable of resulting in undue noise and disturbance to local residents and gives cause for concern in respect of flood risk. As such it is not considered that consent for a change of use from Class D1 to Class C2 for the whole of the building should be unconditionally granted.

However, the applicants have made it clear that the intention is that the existing building resume its use for educational purposes but that provision be made for students to remain resident on the site. The proposal therefore seeks in reality to simply achieve dormitory accommodation within the existing building in order to secure that objective.

The provision of ten dormitories, accommodating some 60 students, with staff in attendance, at first floor level within the existing building and associated with the lawful use of that building as a school, is not considered likely to give rise to undue noise and disturbance to local residents and gives rise to no concerns on flood risk. The proposal would also represent a highly sustainable form of development.

No objection is therefore raised to this specific use of the site and it is considered, subject to conditions requiring the provision of appropriate vehicle and cycle parking facilities, that a consent which limited use of the building to a residential educational establishment would be appropriate.

It should be noted that the applicant's agent has confirmed that a consent restricted in this manner would be acceptable.

**Site Visit**

It is not considered necessary for Members to visit the site prior to determination of the Application.

## **Introduction**

The site forms part of the former Castle View School site, located to the north of Somnes Avenue and east of Meppel Avenue. It is an irregular shaped site having a direct frontage to Meppel Avenue of some 25m, a maximum width of approximately 105m and a maximum depth of some 80m. The site contains buildings associated with the former Castle View School.

Immediately to the north of the site are the former school playing fields. These do not form part of the application site, although they are shown to be within the applicant's ownership/control.

To the east is the recently developed vocational centre whilst to the south is residential development on the southern side of Somnes Avenue. To the west the site is bounded by the curtilages of both residential, commercial and worship buildings.

## **The Proposal**

The applicant seeks consent for the change of use of the building from a non residential school (Class D2) to a residential Institution and to form dormitory accommodation from 10 former classrooms at first floor level within an area of the building identified as Block A, Block B and Block C.

The submitted Design and Access Statement identifies that the school has been closed for a number of years but has recently been purchased by the JCOCI (Jewish Community of Canvey Island) Educational Foundation Ltd with the intention of returning the school to an educational use.

It is not proposed that the purpose and use of the school in general would change, but the applicants consider that it would be more beneficial for the whole site to be changed from D1 use (non residential institution) to C2 use (residential institution), which would permit part of the upper floors to be used as residential dormitory accommodation for students.

It is currently proposed to form ten dormitories for around 60 persons with separate manager's office/bedroom accommodation. Showers will be available in another part of the premises along with a dining room and kitchen.

It is not currently proposed to make any alterations to the external elevations other than that required to improve the insulation level of the roofs.

Off street car parking for some 20 vehicles and a Fire Assembly point is provided at the front of the property adjacent to the main entrance.

It should be noted that the current application only seeks consent for the change of use. Further consent may be required for structural works dependent upon the extent and nature of such works.



## Supplementary Documentation

The application is accompanied by the following supporting documents:

- Planning Statement
- Design and Access Statement

These are available to view on the Council's website.

## Planning History

The wider site has an extensive planning history; however that of greatest relevance to the current application is:

### CPT/937/77/CC/2/77

Comprehensive school, caretaker's house, ancillary buildings playing fields. Approved 27<sup>th</sup> September, 1977.

### CPT/937/77/CC/2/77/A

3rd phase comprehensive school. Approved 27<sup>th</sup> September, 1979.

### CPT/937/77/CC/2/77/B

2nd phase comprehensive school. Approved 15th July, 1980.

### CPT/930/84/CC/5/84

Provision 4 relocatable classrooms APP 10th July 1984.

### CPT/795/00/FUL

Construct Prefabricated Building for General Educational Facilities Approved 6<sup>th</sup> February 2001/

### CPT/788/93/FUL

Ground floor pitched roofed building to provide 5 additional classrooms, office storage and locker areas with connecting link to main building. Approved 19<sup>th</sup> January 1994.

## Local Plan Allocation

The site is allocated for Green Belt and School purposes in the adopted Local Plan. The New Local Plan identifies the car park as a Community Facility but retains the former school building in the Green Belt.

## Relevant Policies and Government Guidance

### National Planning Policy Framework

- Section 4     Promoting Sustainable Transport.  
Section 8     Promoting Healthy Communities.

Section 9 Protecting Green Belt Land.

Adopted Local Plan

EC3:	Residential amenity
CF2:	Education facilities
CF14:	Surface water disposal
T8:	Car parking standards

New Local Plan

SD1	The presumption in favour of sustainable development
T8	Parking provision
HC4	Education Skills and Learning
HC11	Development of Community Facilities
GB1	Green Belt Strategy
GB6	Change of Use of Buildings and Land in the Green Belt
NE10	Pollution Control and Residential Amenity

**Consultation**

Essex County Council – Highways

No objection.

Essex County Council – Education

Comments awaited.

Castle Point Environmental Health Officer

No objection.

Canvey Island Town Council

Comments awaited.

Environment Agency

No objection subject to the Planning Authority taking into account appropriate flood risk considerations.

Lead Local Flood Authority

No objection subject to conditions.

Anglian Water

Comments awaited.

Police

Comments awaited.

**Public Consultation**

No responses received.

## **Comments on Consultation Responses**

The EA has raised no objection to the proposal but has requested that conditions be attached to the grant of any consent.

The proposed condition seeks to ensure that the development permitted will be undertaken in accordance with the provisions of the submitted Flood Risk Assessment and that finished ground floor levels are set no lower than 0.67m above ground level.

The imposition of such a condition is considered inappropriate in so far as it relates to the provision of minimum ground floor levels as the application seeks only to change the use of part of the first floor accommodation to dormitories. Such proposal has no impact on existing floor levels and consequently the proposed condition is considered irrelevant to the development proposed and as such fails it satisfy the six tests against which all such conditions must be assessed.

No such condition will therefore be attached to any grant of consent.

Furthermore the introduction of flood resilient/resistant measures is inappropriate in the context of a change of use application. The condition is not relevant to the development under consideration and cannot therefore be imposed.

Finally the EA requires the Planning Authority to undertake sequential and exceptions testing in respect of the proposal. It should be noted that the NPPF identifies that for proposals of changes of use such as this such testing is not necessary.

No such testing has therefore been undertaken in the context of the current application.

## **Evaluation of Proposal**

The key planning issues to be considered in the determination of the application are:

1. The principle of the development
2. Amenity of adjoining residential properties.
3. Highway impact
4. Car and Cycle parking
5. Flood Risk

### **1. The principle of the development**

#### **(i) The Green Belt**

The application site is located on land allocated for Green Belt and School purposes within the adopted Local Plan.

The School building is retained within the Green Belt in the New Local Plan.

The current proposal therefore seeks to reuse an existing building within the Green Belt.

Paragraph 90 of the NPPF confirms that the re-use of such buildings is not inappropriate development in the Green Belt provided that the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt and in the case of the reuse of existing buildings, that the building to be used is of permanent and substantial construction.

The proposal seeks to change the use of the whole school building from Class D2 to Class C2, with a specific proposal in this instance of using 10 existing classrooms within the former school building as dormitories associated with the use of the remainder of the former school building for educational purposes. The use of the building in this fashion would not result in any enlargement or alteration to the building and as such would have no adverse impact on the openness of the Green Belt, nor would it conflict with the purposes of including land in the Green Belt. Furthermore, the existing school building is clearly a permanent and substantial structure. As such the proposed change of use of the building would not be inappropriate in a Green Belt context and no objection is raised to the proposal on this basis.

#### (ii) The Use of the site for Class C2 Purposes

The applicant seeks to achieve C2 status for the whole of the school.

The Town and Country Planning (Use Classes) Order 1987 (as amended) identifies Class C2 uses as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

The grant of an open consent for Class C2 use across the whole school would allow movement between these uses without the further consent of the Planning Authority. The opportunity for such migration across uses raises concerns in terms of the potential impact of such uses on the amenity of adjoining residents, parking provision and flood risk.

The applicants have advised that the school currently has 54 students ranging in age from 17 – 20 and that students are not permitted to use/have a car at the school.

The applicant further advises that the School would normally have about 6 teachers. As such the potential for traffic movement is relatively limited, both in terms of level and timing.

The same cannot be said however for a hospital or residential care home for example, where the possibility of greater traffic movements over a more extended period of the day and night could have an adverse impact on the amenity of adjoining residents by reason of noise and disturbance.

Furthermore, the operation of the site as a hospital or for other C2 uses on the site is likely to require a greater level of parking than is currently proposed. Such operation

could therefore result in vehicles parking in adjoining streets to the danger and inconvenience of adjoining residents.

Another cause for concern is that related to flood risk. The unrestricted use of the entire building for Class C2 uses could result in sleeping accommodation being placed at ground floor level. Such use of the building could place people at risk in the event of a flood. Acceptance of this situation would conflict with the provisions of the NPPF which requires the planning regime to reduce risk as far as possible.

As a consequence of these concerns, in order to protect the amenity of adjoining residents, the safety of future occupiers of the building and to ensure that the use of the site can be appropriately accommodated it is not considered that planning permission should be granted for a change of use of the whole of the school building complex from Class D1 to Class C2, however, the current proposal is specifically couched in terms of the provision of dormitory accommodation to serve a school.

Consideration of this specific use alone is therefore warranted.

The applicant's agent has confirmed that such an approach is acceptable.

### (iii) The Use of the site for Residential Educational Purposes

Paragraph 70 of the NPPF states that Planning Authorities should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community and Paragraph 72 of the NPPF identifies that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The Government considers that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

Policy CF2 of the adopted Local Plan states that the Council will encourage the enhancement and improvement of existing educational facilities subject to such development having no adverse impact on the amenity of the area by reason of traffic generation, noise or general disturbance; that appropriate provision is made for parking

provision and the movement and turning of vehicles on the site and provided the proposal has no adverse effect on traffic flows on the adjoining highway network and complies with any other policy contained in the local plan.

These considerations are reflected in Policy HC4 of the New Local Plan which further identifies the improvement of education and skills as a priority for the Borough.

This Policy specifically states that the Council will support, in principle, proposals which seek to improve the quality and choice of education and learning opportunities in Castle

Point. In particular, it will support in principle proposals which provide parental choice, having regard to both the local area, and other areas from which pupils or students may come.

Policy HC11 of the New Local Plan states that the Council will support proposals for new, altered, extended or replacement education facilities in order to allow communities to meet their day to day needs, where it can demonstrated that the development will respond to the modern needs of the local community; provide flexible space that can respond to the changing and specific needs of the local community and where appropriate be capable of offering safe refuge in the event of a natural or manmade incident occurring. The development should also provide inclusive access to all members of the community, including those with disabilities; be located in a sustainable location and within walking distance of public transport provision and comply with all other relevant policies in the plan.

The application specifically seeks to provide dormitory accommodation to serve a school, in a building previously used for mainstream educational purposes – a role which it is no longer required to fill. The reuse of the building as proposed would make good use of an existing building and would represent a highly sustainable response to the current redundancy of the building.

Furthermore the reuse of the school as a faith school, as is suggested, would add to the diversity of educational opportunities present within the Borough whilst the provision of dormitory accommodation would assist in meeting the day to day needs of the growing Jewish community. Whilst it is recognised that those using the dormitory accommodation are likely to be from outside the Borough, Policy HC4 of the new Local Plan makes specific reference to the need to support such proposals. No objection may therefore be raised to the proposal on that basis.

In terms of compliance with Policy HC11, as will be examined in greater detail under the section on Flood Risk, it is considered that the application building can offer safe refuge in the event of a natural or man-made incident occurring. Indeed it should be noted that all of the proposed dormitory accommodation is provided at first floor level and will be above predicted extreme event flood levels. As such the specific proposal sought, that of the provision of dormitory accommodation, would be safe in flood risk terms.

By virtue of the fact that it is a purpose built, relatively modern educational facility, it is considered capable of offering the opportunity for inclusive access, although such provision does not appear to be currently present within the building and cannot be required under the Building Regulations. As a consequence of this it is considered that a condition could be imposed on the grant of any consent requiring the provision of facilities such as lifts and access ramps, in order to facilitate inclusivity.

The use of part of the first floor of the building as dormitories serving pupils attending the school would be consistent with the provisions of the NPPF, Policies CF2, HC4 and HC11. No objection is therefore raised to that use on the basis of these policies.

(iv) Sustainability

Paragraph 70 of the NPPF states that the planning system should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy SD1 of the New Local Plan states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

As stated above the provision of dormitory accommodation seeks to support the reuse of an existing school building which in itself represents a highly sustainable form of development.

The provision of dormitory accommodation further supports this level of sustainability by limiting the necessity for traffic movements to and from the site and creating a resident base which would contribute to the local economy.

The proposed dormitory provision is therefore considered to be highly sustainable in the context of the continuing use of the school building for educational purposes.

**Conclusion on the principle of the proposed development.**

The unrestricted use of the building for Class C2 purposes is considered unacceptable. The provision of a Class C2 use on the site would facilitate movement between different forms of development, some of which could, if uncontrolled, give rise to adverse impacts on amenity and adverse flood risks. As a consequence it is not considered that a Class C2 use may be generally supported on this site. Prima facie therefore the application should attract a recommendation of refusal. However, the application is specifically couched in terms of the provision of dormitory accommodation to serve an educational use. Such use is not considered to give rise to significant adverse consequences for local residents in terms of noise and disturbance and would represent a highly sustainable form of development.

Furthermore the introduction of dormitories would facilitate the provision of wider educational opportunities, which is consistent with the provisions of the NPPF and the policies of the adopted and emerging Local Plans.

Under the circumstances, no objection is raised to the principle of the provision of dormitories on the site, in association with the renewed educational use of the buildings.

**2. Amenity of adjoining residential properties.**

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

This provision is reflected in Policy NE10 of the New Local Plan which states that all

development proposals must be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.

The re-use of the existing school building for educational purposes does not require the formal consent of the planning authority and activities associated with such use, such as traffic movements, parking, hours of operation etc cannot be controlled and influenced on the basis of the current proposal.

The introduction of dormitory accommodation would introduce a new activity onto the site and the implications of this use can be considered.

The introduction of dormitory accommodation will result in at least some of the pupils and staff being resident on the site. The implication of this is that people would be present on the site for 24 hours a day. It is proposed that students would remain in residence at weekends but would not remain during the school holidays.

The applicants further advise that the school may however be used for educational retreats during these periods.

The nature of the proposed use suggests that such occupation is unlikely to give rise to significant levels of noise or disturbance during antisocial hours or activities likely to result in actions or operations that are likely to have a significant adverse impact on residential amenity.

Furthermore the retention of pupils and staff on site may have a positive impact on traffic movements to and from the site during peak am and pm hours as the need to travel to the school on a daily basis for a proportion of the pupils will be removed.

Under the circumstances it is not considered that an objection to the provision of dormitories on the basis of an adverse impact on the amenity of adjoining residents could be sustained on appeal.

### **3. Highway impact**

Paragraph 30 of the NPPF states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

The ninth transport objective of the adopted local plan is: 'To seek to reduce growth in the length and number of motorised journeys'.

The New Local Plan seeks to promote more sustainable travel patterns and reduce traffic congestion.



Whilst the reuse of a currently unoccupied building will have an impact on traffic flows within the local area, these are likely to be consistent with the impact experienced when the building was utilised by the County Council for educational purposes. It must further be remembered that the re-use of the present school building for educational purposes does not require the further consent of the planning authority and it is not therefore able to control or comment upon traffic flows associated with the lawful use of the site.

Consideration should however be given to the traffic implications of the proposed dormitory accommodation.

As stated above it is considered that the retention of pupils and staff on site is likely to have a positive impact on traffic movements to and from the site during peak am and pm hours as the need to travel to the school on a daily basis for a proportion of the pupils will be removed.

The Highway Authority has raised no objection to the proposal on the basis of highway impact.

Under the circumstances it is not considered that an objection to the provision of dormitories on the basis of an adverse impact on the amenity of adjoining residents could be sustained on appeal.

#### **4. Car and Cycle parking**

Eighteen of the original car parking spaces serving the existing school are retained as part of the proposal to reuse the school and an additional two spaces are created as a consequence of the reconfiguration of the access to the school. All of the spaces are identified as being 2.4m wide and 4.8m deep. This spatial arrangement is not consistent with the requirements of the adopted parking standards which require all parking spaces to be 2.9m wide and 5.5m deep and would appear therefore to constitute an objection to the proposal. However, it should be noted that 18 of the spaces are already in existence and can be lawfully used in association with the use of the school. Only two of the

spaces are new, and it is only these which may be considered in the context of the current application.

Whilst it is acknowledged that these new spaces do not achieve the adopted standard, it is considered highly unlikely that an objection to the proposal based on the size of two car parking spaces would be supported on appeal. No objection is therefore raised to the proposal on this basis.

Consideration must however be given to the implication of the dormitory use on the parking provision.

The applicants have advised that no students are permitted to have or use a car at the school.

Provided this management regime is maintained the provision of ten dormitories will have no impact on parking provision.

It should be noted however that the car parking standard for further/higher residential education establishments requires the provision of one space per full time equivalent staff and one space for every 5 students.

Calculated on this basis provision should be made for 18 parking spaces. This is achieved. If students were permitted to have vehicles at the site the proposed parking provision could accommodate this facility in policy terms.

The Highway Authority has identified that the current parking arrangements are not affected by the proposal and has therefore raised no objection.

No objection is therefore raised to the proposal on the basis of car parking provision.

The adopted parking standards also require the provision of 1 cycle space for each staff member and for every three students. Such provision is considered particularly important given the applicants position in respect of student vehicles.

The current proposal would require the provision of 26 cycle parking spaces. No details of such provision have been provided, however, it is considered that such details may be submitted under the provisions of a condition attached to the grant of any consent.

The Highway has not requested the imposition of any conditions on the grant of consent.

## **5. Flood Risk**

The site lies within tidal Flood Zone 3, defined within 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The site benefits from the presence of tidal defences, which defend Canvey Island to a 1 in 1000 annual probability standard of protection.

Although Canvey Island is defended to a high standard of protection, however it is at risk should there be a flood defence failure. This residual flood risk should be considered; as although the likelihood of it occurring is low, the consequences should it happen would be very high.

The proposal is for a change of use from D1 (non-residential institution) to C2 (residential institution) and the formation of dormitory accommodation on the first floor, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance, however, the dormitories would be provided at first floor level above the 0.1% (1 in 1000) annual probability with climate change breach flood level. As such use of this part of the building as dormitories would not place occupiers of the building at risk in a breach flood event.

It is considered necessary however to ensure that flood risk is not increased by the uncontrolled migration of dormitory accommodation to other parts of the site. It is therefore considered appropriate to impose a condition on the grant of any consent restricting the dormitory use to the first floor only of Blocks A, B and C as specified in the submitted drawings.

Subject to such a condition no objection is raised the proposal on the basis of tidal flood risk.

The proposal does not include any significant construction works. There are therefore no implications for surface water drainage.

### **Conclusion**

The proposal represents an appropriate use of a building in the Green Belt, however an unfettered Class C2 use on the site is considered capable of resulting in undue noise and disturbance to local residents and gives cause for concern in respect of flood risk. As such it is not considered that consent for an unfettered change of use from Class D1 to Class C2 should be granted.

However, the applicants have made it clear that the intention is that the existing building resume its use for educational purposes but that provision be made for students to remain resident on the site.

The proposal therefore seeks in reality to achieve dormitory accommodation within the existing building in order to secure that objective.

The provision of ten dormitories, accommodating some 60 students, at first floor level within the existing building, is not considered likely to give rise to noise and disturbance to local residents and negates concerns on flood risk.

No objection is therefore raised to this specific use of the site and it is considered, subject to conditions requiring the provision of appropriate vehicle and cycle parking facilities, that a consent which limited use of the building to a residential educational establishment and limited the extent of dormitory accommodation would be appropriate.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

### **My Recommendation is Approval with the following conditions:**

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 Notwithstanding the provisions of Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended, the buildings comprising the subject of this application shall be used as a residential educational establishment only and for no other purpose within Class C2 without the prior formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of adjoining local residents and mitigate flood risk.

3 The proposed dormitory accommodation shall be restricted to the first floor level only of Blocks A, B and C as identified on approved drawing No.4 dated November 2016 and received by the Planning Authority on 15th December 2016.

REASON: In order to protect future users of the site from flood risk.

4 Prior to first occupation of the dormitories hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision.

5 Where parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

6 Prior to first occupation of the dormitories hereby approved, details of cycle parking facilities, sufficient to accommodate 26 cycles, shall be submitted to and approved by the Planning Authority. The approved parking spaces shall thereafter be provided and made available for use within two months of the first occupation of the dormitories hereby approved and thereafter shall be permanently retained.

REASON: To ensure adequate off-street cycle parking provision.

7 Within six months of the first use of the dormitory accommodation hereby approved, measures shall be incorporated into the building to ensure inclusive access to all areas of the building.

REASON: In the interests of facilitating use of the building by all sectors of the community.

**Informative**

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal

to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.