

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1414/09
<b>SITE ADDRESS:</b>	Hosanna Lodge Sedge Green Roydon Essex CM19 5JR
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Ernest Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land for stationing of caravans to provide 1 no. gypsy pitch with ancillary hardstanding. (Retrospective application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 A flood risk assessment demonstrating compliance with the principles of Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out within 12 months of the date of this notice and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 2 Full details of the foul and surface water drainage onsite shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of this notice.
- 3 Within 12 months of the date of this notice the applicant shall undertake a phased contaminated land investigation shall be to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 4 This consent shall inure solely for the benefit of the applicant Mr E Jones and his family and for no other person or persons for a single static mobile home and touring caravan. This consent benefits no other structures or caravans whatsoever.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Prior Associates ref: 8501 dated November 2008 and following mitigation measures detailed within the FRA:
  1. Finished floor levels are set no lower than 27.4m above Ordnance Datum (AOD).

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Consent is being sought for the retention of the land for the siting of one mobile home and ancillary hardstanding. The mobile home is occupied by Mr E Jones and his family.

**Description of Site:**

The application site is an approximate 1.52ha piece of land situated on the western side of Sedge Green, backing onto open Green Belt and the Lee Valley Regional Park opposite nursery development and detached residential properties in large spacious plots in this generally rural location.

**Relevant History:**

EPF/0945/94 – Use of land for stationing of one residential caravan and one touring caravan for gypsy family – Refused and dismissed at appeal.

At Appeal the Planning Inspector considered both the refused planning application and the enforcement proceedings which included a Stop Notice. Both appeals were dismissed June 1995 and the applicant was allowed 9 months to comply with the requirements of the enforcement notice. Further allegations were investigated in 1997 then no further action was taken until queries were raised about replacement accommodation delivered onsite in 2004. The site was designated 'tolerated' status in February 2005 because of the length of time which has elapsed since the original Stop Notice and the implications of the Human Rights Act.

**Policies Applied:**

Since the previous application was considered the 1986 Lee Valley Regional Park Plan has been superseded by the current 2000 Park Plan and currently the Park Development Framework is being drafted.

The Epping Forest District Council Local Plan has also been revised since the previous determination, with the Local Plan adopted 1998 and the Alterations to the Adopted Local Plan adopted in 2006. The following policies apply:  
GB2A - Development in the Green Belt.

H10A - Gypsy caravan sites  
DBE9 - Amenity issues  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety  
CP2 – Protection of the quality of the rural and built environment  
RST24 – Design and location of development in the LVRP

The East of England Plan has also been published providing a revised regional approach in 2008, policy H3 - Provision for Gypsies and Travellers, is particularly relevant.

The District Council has also published a Consultation on Options paper for Provision for Gypsies and Travellers in Epping Forest District in response to demand that the Council make urgent provision for further pitches locally.

### **Summary of Representations:**

10 neighbouring properties were consulted and a Site Notice was displayed, the following responses were received:

NAZEING PARISH COUNCIL – Object. The land is within the Green Belt and this application would be contrary to policy GB2A. The area is also within the Lee Valley Regional Park.

LEE VALLEY REGIONAL PARK AUTHORITY - Object

- a) the proposal is not compatible with the use of the regional park for recreation and leisure; and
- b) the proposal detracts from the open character and appearance of the Regional Park at a boundary location.

### **Issues and Considerations:**

The main issues for consideration are whether the proposals have overcome the previous reasons for refusal of the scheme and whether there are any materially different circumstances which would justify a departure from the previous decision. Material considerations include the adopted policy subsequent to the previous decision and the time lapsed since the last determination. In addition, the impact of the development in highway terms, neighbours amenity, visual amenity, sustainability and the need for Gypsy sites in the District need to be taken into account.

#### **Previous refusal**

The applicant sought consent under EPF/0945/94 which was refused and then dismissed at appeal. This application was refused for the following reasons:

*1 – The site is within the Metropolitan Green Belt. The proposed development is therefore at odds with Government Guidance, as expressed in Planning Policy Guidance Note 2, together with the stated policies of the adopted Local Plan and Approved Essex Structure Plan. The latter states that within the Green Belt permission will not be given except in very special circumstances, for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings) or for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, institutions requiring large grounds, cemeteries or similar uses which are open in character. In the view of the Local Planning Authority insufficient reasons have been advanced to justify a departure from this policy. The additional information submitted has been considered but it is not felt that sufficient very special circumstances exist in this case to warrant setting aside the above stated policy.*

*2 – The proposal is contrary to the Green Belt policies of the Local Plan for the area.*

3 –

a) *The development is contrary to proposals within the 1986 Park Plan which includes the site for recreation and leisure purposes within the context of the Plan.*

b) *The proposal is contrary to Policy RES1 of the Park Plan which states that the Authority will normally resist new residential development within the Park.*

c) *The proposal is contrary to policy RES4 of the Park Plan which states that the Authority will normally resist the establishment of residential caravans or residential caravan sites except in special circumstances and on a temporary basis.*

d) *The proposal is contrary to policy GEN1 of the Park Plan which states the Authority will resist proposals for development of a non-recreational or non-leisure use within the Park particularly when such proposals would conflict with the Authorities own plans for the area.*

4 – *Due to contamination of land adjoining the application site it is considered inappropriate to allow new residential development.*

5 – *The newly constructed access is considered to pose a threat to highway safety because it does not benefit from adequate sight lines.*

### Green Belt

The site is within the Metropolitan Green Belt and under the definition in PPG2 the proposal is inappropriate development, which by definition is harmful to the Green Belt. As such permission should only be given if there are very special circumstances that outweigh this harm. Policy H10A of the adopted Local Plan and Alterations reiterates this.

The application site is an existing tolerated gypsy site identified as such in the Gypsy and Traveller consultation DPD. Whilst an Enforcement Notice was served in 1994 which on appeal was upheld with 9 months to comply, no further enforcement action has been taken. Whilst the use cannot therefore be lawful (despite it being on site for a period longer than 10 years), the fact that the occupant has lived on site for such a period is a material consideration.

It is considered that the length of time that the site has been occupied by the applicant, the fact that the site has been classified as a 'tolerated site' and the documented need to provide Gypsy sites within the District are sufficient to amount to very special circumstances in this instance where the visual impact on the openness of the Green Belt and on the character and appearance of the Countryside is minimal. Furthermore given the specifics of this site, which are discussed in full below, the development does not have a significant impact on the openness, character or appearance of the Green Belt. Due to this it is considered that, in Green Belt terms, the retention of this mobile home for the continued use of the applicant, Mr E Jones is acceptable.

### Impact to Lee Valley Regional Park

Policy RST24 seeks to ensure all development in the LVRP satisfies the following criteria:

- i) have regard to the importance of the Park for leisure, recreation and nature conservation and make provision where appropriate for improved public access and landscaping;
- ii) safeguard the amenity and future development of the Park; and
- iii) conserve and, where possible enhance the landscape of the Park or its setting.

The retention of the existing pitch which has been occupied for beyond 15 years, has no greater influence on the openness of the park or its use for recreation and leisure than that which has already existed for an extensive time. The LVRP Authority have raised no complaint over this length of time since the refusal of the previous scheme and it is not unusual for private property to be maintained within the LVRP without detrimental impact. For these reasons the regularisation of the existing pitch with planning consent would appear on balance acceptable, particularly when it is considered that without approval the pitch would remain as a tolerated site.

In respect of criteria ii and iii above the regularisation of the pitch would not significantly impact the amenity or future development of the park and would conserve the current visual appearance of the site, providing opportunity for landscaping improvements by condition to enhance the setting of the pitch beyond that which currently exists.

The LVRPA have objected on the grounds the retention of the pitch detracts from the open character and appearance of the LVRP at the boundaries. Officers would suggest that any visual impacts are mitigated by the context in which the development would be viewed, namely the neighbouring glasshouse and small industrial units nearby with well spaced residential dwellings. Therefore whilst the pitch is largely isolated it is relatively close to other small scale settlements and would be visible only in the context of other development on the opposing side of Sedge Green minimising any potential visual intrusion.

#### Highway Issues

The previous application was refused due to highway safety concerns at the junction. Highways have returned no objection to the current proposals. As a result this reason for refusal is overcome.

#### Flood Risk Matters

The site is within a designated flood risk area. The issue of Flood Risk was pivotal at appeal of the previous application. The current application was accompanied by a Flood Risk Assessment which has satisfied the Environment Agency and no objection is raised on flood risk grounds.

#### Contamination

Whilst contamination issues remain on this site, it is considered that these may be overcome with the application of standard conditions.

#### Neighbouring Amenity

There are no direct neighbouring properties to the application site and as the mobile home has been on site for several years without causing a detrimental impact on surrounding residents, it is considered that the proposed retention of the mobile home would comply with Local Plan policy DBE9.

#### Sustainability

The core policies of the Local Plan Alterations seek to ensure that new development is directed to urban areas with good access to facilities and public transport, to reduce reliance on the private car. However it is generally accepted that the majority of Gypsy and Traveller sites will be located in the countryside and as such would not be in particularly sustainable locations. Due to this, and given that the occupiers have resided on the site for several years, it is not felt that unsustainability would be sufficient grounds for refusal.

#### The need for Gypsy sites in the District

The Housing Act 2004 placed a duty on Local Authorities to include Gypsies and Travellers in their housing needs assessment. This need and the lack of identified suitable Gypsy sites in the District to meet this need have some weight in the determination of this application. Circular 1/06 requires Local Authorities to identify sites to meet Gypsy and Traveller needs in their Development Plan Documents. This work has still to be carried out in this District and at present we still have a reactive approach to meeting such need.

This site has been identified as a 'tolerated site' in the current G&T DPD and whilst it is not recommended that permission be granted given the proximity to alternate gypsy pitches, it is also stated within the G&T DPD that where possible tolerated sites should be granted planning permission and made authorised. Therefore the approval of this application would reflect this broader goal. Furthermore, the G&T DPD is currently awaiting a report on the consultation

process, pending the recommendations of this report the recommendations offered in relation to individual pitches may change.

### Human Rights

The Human Rights Act 1998 is now in force, and is a relevant consideration in cases such as this. The act incorporates the European Convention on Human Rights into UK law. Article 8 of the Convention concerns the right to respect for private and family life, and the First Protocol relates to the protection of the right to property. As this application is retrospective, and the applicants are currently living on site, refusal of planning permission could result in the removal of the existing mobile home and would interfere with home and private family life of those currently living on the site.

### **Conclusion:**

In light of the above, as the application site has been identified as a 'tolerated site' and the mobile home has been in place since 1997 with site occupation in other structures dating to before 1994, with no significant impact on surrounding residents, highway safety or the character and appearance of the rural location within the LVRP, it is considered that its retention would be acceptable and therefore this application is recommended for approval.

Should Members support officer's recommendation, then the LVRPA will need to be advised of the Council's view and asked to reconsider their opinion. Should the objection remain then the application will need to be referred to the Secretary of State for a decision.



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1622/09
<b>SITE ADDRESS:</b>	Nazeing Glass Works Ltd Nazeing New Road Nazeing Waltham Abbey Essex EN10 6SU
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Supanova Holdings
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of part of main factory (B2) to Gymnasium (D2).
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

- 1 Insufficient evidence has been submitted to show that the unit has been marketed for a sufficient period to prove that there is no further need for employment uses on this site. Due to this the proposed change of use, that is located in an established industrial park, is contrary to policy E1 of the adopted Local Plan and Alterations.
- 2 Due to the lack of public transport serving the site and the distance from significant urban settlements the members of the proposed development are likely to be heavily reliant on the car for visiting the proposed gym. The intensification of use of this site for D2 purposes is therefore considered contrary to the approach of national planning guidance and policies CP1, CP3 and ST1 of the adopted Local Plan and Alterations.
- 3 The proposed development would fail to provide sufficient parking provision during 09:00 and 17:30 Monday to Friday, contrary to the Essex County Council Vehicle Parking Standards and policy ST6 of the adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Cooper (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).*

**Description of Proposal:**

Consent is being sought for the change of part of the main factory from B2 (general industry) to a D2 (assembly and leisure), with a specific requirement for use as a gym.



## **Description of Site:**

The application site is part of a large industrial estate containing several separate businesses and units. The unit under assessment here is a section of the Meridian Building in the centre of the main bulk of the estate. The estate is served by multiple car parks that provide a total of 146 spaces and an access road from Nazeing New Road. To the southwest of the site is a ribbon development of residential properties.

## **Relevant History:**

EPR/0028/53 - Store building – approved/conditions 26/03/53  
EPR/0152/54 - Extension to factory building – approved/conditions 30/07/54  
EPO/0154/55 - Store – approved/conditions 05/07/55  
EPO/0119/56 - Glass cutting building – approved/conditions 05/06/56  
EPO/0141/56 - Double-span workshop – approved/conditions 05/06/56  
EPO/0410/57 - Stores building – approved/conditions 07/01/58  
EPO/0062/62 - Extension to factory File C – approved 03/04/62  
EPO/0017/64 - Details of storage building at No. 2 Factory File D – approved 02/03/65  
EPO/0031/64 - Extension to offices – approved 03/03/64  
EPO/0017/66 - Warehousing and industrial buildings – approved/conditions 28/03/67  
EPO/0081/66 - Details of extension to No. 1 factory – approved/conditions 05/04/66  
EPO/0147/67 - Details of extension to warehouse and storage – approved/conditions 02/05/67  
EPO/0303/70 - Details of extension to main factory area – approved/conditions 14/07/70  
EPO/0569/71 - Revised details of warehouse extension – approved/conditions 12/10/71  
EPO/0677/71 - Convert storage accommodation to office accommodation – approved/conditions 14/12/71  
EPO/0253/72 - Details of warehouse extension – approved/conditions 13/06/72  
EPO/0866/73 - Details of office extension – approved/conditions 27/11/73  
EPF/0885/75 - Details of canteen and locker room extension to existing factory – approved 04/08/75  
EPF/0592/78 - Proposed erection of store building – approved/conditions 10/07/78  
EPF/0896/78 - Industrial exhibition building and car parking facilities – refused 13/11/78  
EPF/0926/79 - Change of use of existing warehouse to light industrial use – approved 09/08/79  
EPF/1021/80 - Extension to Block D (toilets lobby and reception on ground floor with office space on first floor) and construction of car park – refused 06/10/80  
EPF/1277/82 - Change of use from warehousing to light industrial – approved/conditions 26/11/82  
EPF/0599/83 - Change of use of part block C from light industrial (Class III) to general industrial (Class IV) – approved/conditions 08/07/83  
EPF/1255/87 - Outline application for the erection of 8 light industrial units – approved/conditions 08/08/88  
EPF/0682/91 - Renewal of Outline Planning Application EPF/1255/87 (erection of 8 industrial units) – approved/conditions 09/09/91  
EPF/0837/92 - Change of use from industrial to educational – approved/conditions 17/11/92  
EPF/1025/92 - Change of use of industrial unit to kitchen/office for catering service and elevational alterations – approved/conditions 14/12/92  
EPF/0738/93 - Continued use of industrial unit for educational purposes – approved/conditions 28/09/93  
EPF/0717/94 - Renewal of outline permission EPF/682/91 for 8 light industrial units – approved/conditions 31/10/94  
EPF/0783/95 - Revised application for a portakabin and two storage containers – approved 03/10/95  
EPF/0881/95 - Revised application (EPF/1074/94) for plant shed, alteration of rear door, bricking up of vehicle door and inclusion of pedestrian escape door – approved 17/10/95  
EPF/0700/98 - Portakabin for use as a staff rest room – approved/conditions 11/08/98

EPF/1307/99 - Outline application for 10 light industrial (class B1) units, improvements to site access, and details of phase 1 car park layout – withdrawn 21/06/01  
EPF/1517/99 - Stationing of security portakabin at rear entrance – approved 12/11/99  
EPF/1743/02 - Parts reception enclosure to rear – approved/conditions 07/10/02  
EPF/2151/02 - Proposed provision of 3 no. vehicle inspection bays and plant housing – approved/conditions 26/02/03

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
E1 – Employment areas  
E4B – Alternative uses for employment sites  
E5 – Effect on nearby developments  
ST1 – Location of development  
ST6 – Vehicle parking

**Summary of Representations:**

5 neighbours were consulted and a Site Notice was displayed. No responses were received.

NAZEING PARISH COUNCIL – No objection.

**Issues and Considerations:**

The key issues in relation to this application are the impact on the existing employment area, the surrounding area, and with regards to highways and parking provision.

**Employment uses:**

The application site is within a designated employment area. Local Plan policy E1 states that *“the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing [B1, B2 and B8] will not be permitted”*. However it is stated within the supporting information for policy E1 that *“the circumstances in which the Council may consider making an exception to this policy include where a site or building has been marketed for a considerable period, at a reasonable price for the uses concerned, and where no suitable development has come forward or is likely to in the foreseeable future”*. Paragraph 10.54a of the Local Plan (Alterations 2006) clarifies that *“a reasonable period for a site or building to be actively marketed in its lawful use is considered to be at least one year”*.

Information has been received from the applicant stating that they *“have been advertising regularly with The Herts Mercury Group for empty units to let”*, however the only evidence received regarding this is an invoice dated 20<sup>th</sup> August 2009, which relates to payment for advertisements in the July and August issues of the Harlow Star and the July and August issues of the Mercury. There have also been references within the submitted information to marketing of *“at least 18 months”*, however there is no evidence to support this claim. Details have been received showing that the unit has been advertised on Rightmove since February 2009, which is only 7 months prior to the submission of the planning application and therefore does not constitute a ‘considerable period’ under policy E1.

The applicant states within the submitted information that the Nazeing Glassworks Industrial Estate *“appears to be an immensely popular site with occupation over 98%, in spite of the recession”*. This clearly indicates that on this particular site there is no ‘lack of market demand’ for the units. It is claimed within the supporting information that during this marketing period interested

parties (which fell within the category of B1, B2 and B8 use) failed to take over the unit due to 'restrictive use', which justifies why this unit remains empty despite the popular nature of the estate. An email from the applicant dated 06/11/09 states that "*limitations of access, only during working hours 8am to 6pm Monday to Friday, [are] because of site security via our main gates*" and the submitted information suggests that this is one of the major restrictions on the site (there is no indication as to where these restrictions come from, however it does not appear that they have been imposed by planning condition). Notwithstanding this, it is noted that that proposed D2 gymnasium would use the unit between the hours of 6am and 10pm Monday to Friday, 8am and 5pm Saturdays, and 9am and 3pm on Sundays. Furthermore, it is indeed suggested that the peak times of the proposed gym would be outside of the 'restricted times' previously imposed on potential occupiers. As no explanation has been given as to why the restricted use of the unit is not relevant to the proposed use it is considered that the marketing that has been undertaken was flawed in that it unnecessarily restricted use of the site for B1, B2 and B8 purposes.

Whilst there would be some employment provision as a result of this change of use, as the gym proposes to employ 4 full-time and 4 part-time members of staff and it is argued that "*such a unit as a warehouse would not normally employ more than two or three people, and a fork lift, as a distribution centre/depot*", the unit could potentially offer greater employment opportunities. Furthermore, there is a requirement within the District to provide additional employment sites, and due to this a general presumption against losing existing employment sites as this puts even greater pressure on releasing Green Belt land for employment use.

Notwithstanding the above, should the applicant show that the unit has been marketed for a sufficient period then Local Plan policy E4B states that "*where it can be proven that there is no further need for employment uses on a particular site, the Council will permit alternative uses which fulfil other community needs*". The closest gymnasiums to Nazeing appear to be located within the town of Harlow, the closest of which is some 7.7km distance from the site, the John Warner Sports Centre in Hoddesdon, some 7.3km distance, and Grundy Park Leisure Centre in Cheshunt, which is some 7.2km distance from the site. This shows that there is a deficit of gyms within the locality of Nazeing and as such it is considered that the proposed use would constitute a required community use for the local area.

#### Sustainability:

The application site is not well served by public transport and is some distance from the built up areas of Nazeing and Broxbourne. It is therefore unlikely that members of the proposed gym would walk or cycle to the site and, whilst it is expected that the gym would draw some members from workers of the remainder of the Nazeing Glassworks Site and the immediate surrounding dwellings, it is felt that this change of use would significantly increase the number of vehicles travelling to and from the site.

The Essex Vehicle Parking Standards (adopted September 2009) requires the proposed gym to provide 50 off-street parking spaces, whereas it would only require 18 spaces as a B1 use, 11 spaces as a B2 use, and only 4 spaces as a B8 use. It can therefore be seen that the use of this unit as a Gymnasium would result in a considerable increase in transport movements to and from this unsustainable site, and would create traffic movements at evening and weekends that are not currently experienced at the application site.

#### Impact on surrounding properties:

With regards to the proposed use as D2 (with a specific end user of a gym), policy E5 protects against development that would be detrimental to existing employment uses. The proposed opening hours of the application site would be 06:00 to 22:00 Monday to Friday and 08:00 to 17:00 on Saturdays, and 09:00 to 15:00 on Sundays. Given the intensive use of the Industrial Estate it is not considered that the proposed opening hours would themselves detrimentally impact on

neighbouring units (or the residential properties located to the front of the Industrial Estate), however there is concern regarding vehicle parking provision and the effect this could have on neighbouring units.

#### Vehicle parking:

It is noted within the submitted application form that there are a total of 50 spaces existing, which is clarified in the Design and Access Statement whereby it is stated that *“the gymnasium will be allocated 20 permanent parking spaces for cars on weekdays between 09:00 and 17:30 within the whole existing site parking provisions. Additional parking for a further 30 cars will be provided outside of the 09:00 to 17:30 weekday period on existing spaces which will be unoccupied”*. Furthermore the Proposed Heads of Terms for the lease of the unit states *“other spaces, excluding tenant owned car parks, may be used evenings and weekends”*.

There are currently 146 car parking spaces serving the area within the applicants ownership (the majority of the industrial estate), however the Council is aware that there are issues with car parking on site at present (which resulted in an unlawful parking area being created and currently under investigation by Planning Enforcement). As a result of these issues a planning application is to be submitted for a new car park providing an additional 32 spaces (currently awaiting validation), which if approved would allow for an additional 22 spaces being available for the proposed gym during 09:00 and 17:30.

Discounting the possibility of the aforementioned 22 spaces (as planning permission has not at this stage been granted for the additional car park), there would be 50 allocated spaces available to the proposed gym between 06:00 to 09:00 and 17:30 to 22:00 Monday to Friday and throughout the opening hours at weekends, with informal (unallocated) overspill parking available beyond this. However between 09:00 and 17:30 there would only be 20 allocated spaces available. Whilst this is claimed to be the 'off-peak' times of the gym, the Essex Vehicle Parking Standards requires 50 parking spaces for this size of recreational use and makes no differentiation between 'peak' and 'off-peak' times. Whilst it is estimated by the applicant that there would be less parking required during 09:00 and 17:30 on weekdays this could not be guaranteed or controlled, and therefore there is a serious concern that 20 spaces would be insufficient to cater for the users of the gym at these times. As 9:00 to 17:30 are the peak times of many of the existing units on site, and given that there are known parking problems already with the Nazeing Glassworks Industrial Estate, it is considered that at present there is insufficient parking provision for this proposal. Should the planning application for the additional 32 space car park be approved and subsequently installed, and the 22 spaces previously mentioned were allocated to this unit, then this may provide sufficient parking provision for the proposed use. However as this new car park is purely speculative the additional parking spaces provided by this cannot at present be considered as a material consideration in this planning application.

#### Conclusion:

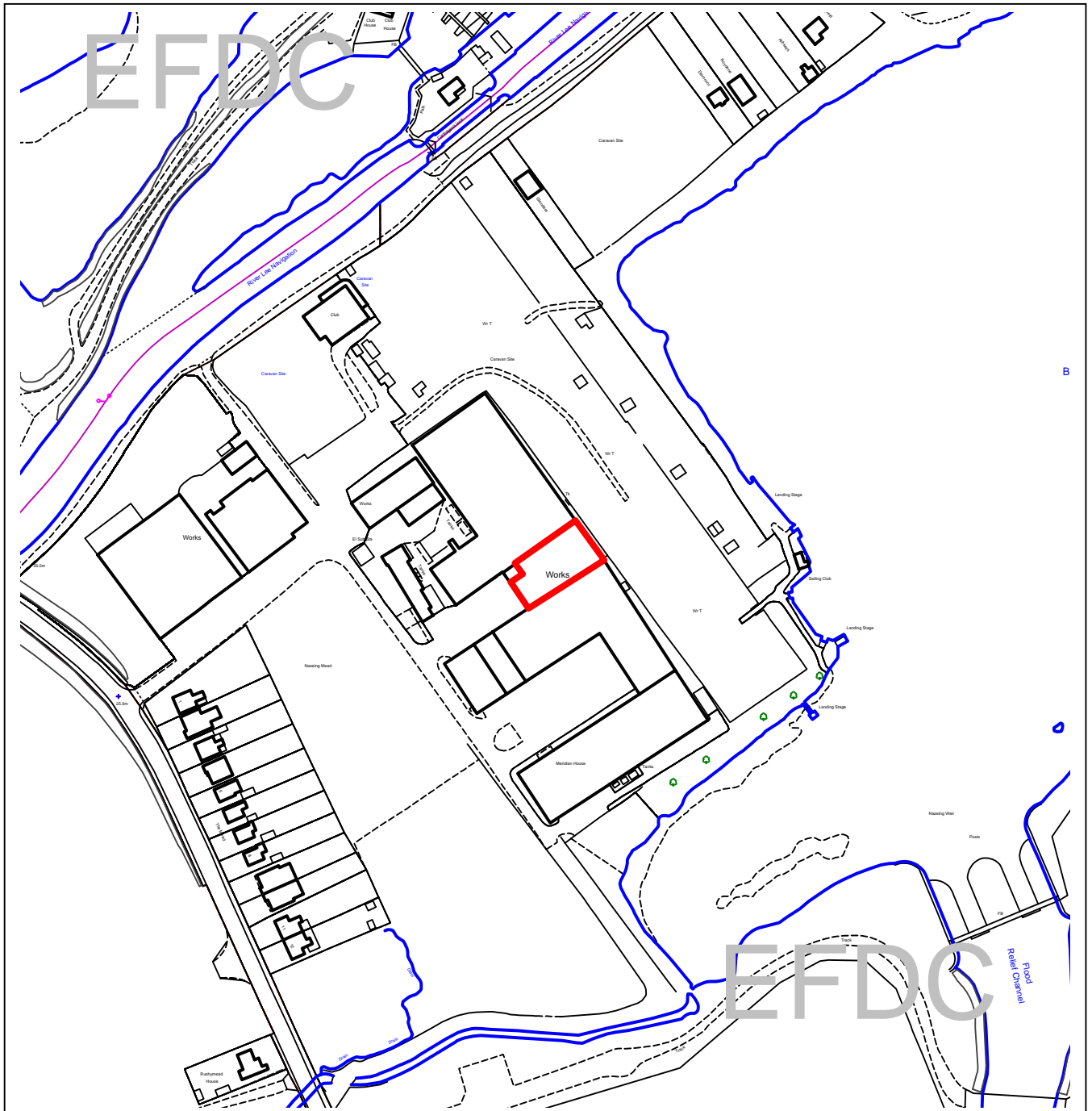
Although it is recognised that in the present economic climate it is preferable to have occupied units rather than vacant units, and the proposed gym would provide a community facility not currently available in the locality, the proposed development has failed to provide sufficient evidence that the unit has been marketed for employment use for at least one year and is therefore contrary to Local Plan policy E1. Furthermore, given the lack of public transport within the vicinity of the site it is considered an unsustainable location for the intended use, which would attract significantly larger numbers than its existing lawful use, and there is insufficient parking provision available during 09:00 and 17:30 in this Industrial Estate where there are known parking problems at present.

As such, the proposed change of use fails to comply with Local Plan policies CP1, CP3, E1, ST1 and ST6 and is therefore recommended for refusal.



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1622/09
Site Name:	Nazeing Glass Works Ltd, Nazeing New Road, Nazeing, EN10 6SU
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1710/09
<b>SITE ADDRESS:</b>	Nyumba Nzuri Sewardstone Road London E4 7SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mrs Paula Isbell
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extension and single storey rear extension.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**REASON FOR REFUSAL**

- 1 The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice and policy GB2A of the Adopted Local Plan and Alterations, in that it does not constitute a limited extension to an existing dwelling. This proposal is unacceptable, because the proposed extension would represent disproportionate additions over and above the original dwelling and would harm the objectives of the Metropolitan Green Belt. Furthermore, no very special circumstances have been submitted that would outweigh the harm to the Metropolitan Green Belt.
- 2 The two storey side and rear extension would have an overbearing impact and lead to loss of outlook when viewed from the neighbouring property, 1 Albion Terrace. This would detract from the amenities that the residents of this property can reasonably expect to enjoy. The proposal is thus contrary to Policy DBE9 of the Adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Adam Clark (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).*

**Description of Proposal:**

Two storey side and rear extension and single storey rear extension. The two storey element measures 3.6m wide to the front, 9.8m deep and 5.5m wide across the rear. The first floor element is set back above the ground floor element by 1.3m and in from the boundary with Hill View by 3.6m. The single storey element is the full width of the rear of the property and is 4m in depth. The proposal is set in from the boundary with No. 1 Albion Terrace by 1m. The proposal will replace an existing single storey detached garage.

### **Description of Site:**

The property is a semi-detached two storey house located on the west side of Sewardstone Road, at the end of a small ribbon of development along the road side. The property is within the Metropolitan Green Belt but not within a conservation area.

### **Relevant History:**

No relevant history

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

GB2A – Development within the Green Belt

DBE9 – Impact on Amenity

DBE10 – Extensions to Dwellings

### **SUMMARY OF REPRESENTATIONS:**

WALTHAM ABBEY TOWN COUNCIL: No objection

#### NEIGHBOURS

3 properties were consulted and a site notice erected and the following response was received.

1 ALBION TERRACE – Objection - Reduction in natural light to kitchen, dining room and rear bedroom. Proposal would appear bulky, overbearing and out of scale with neighbouring properties

### **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Impact of the Proposal on the Metropolitan Green Belt
- Amenity of Neighbouring Properties
- Design Issues

#### **Impact of the Proposal on the Metropolitan Green Belt**

Policy GB2A permits residential extensions where they are considered 'limited'. This proposal results in a 106% increase in floor space above that of the original building. This figure has taken into account the existing garage which is to be demolished as part of the application. Due to this large increase it is not considered that the proposal can be classed as a limited extension within the Green Belt but one that is disproportionate and therefore is contrary to the objectives of including land within the Green Belt.

It is acknowledged that the application site is within a ribbon of built up development along Sewardstone Road where, due to the built up nature of this ribbon, a larger than normally permissible extension may be acceptable. However, the degree of extension proposed effectively doubles the size of the original dwelling and is therefore considered detrimental to the character and openness of the green belt in this location.

### Amenity of Neighbouring Properties

The proposal is the same depth to the rear as the adjoining property Hill View's existing extension and the two storey element of the proposal has been set in from the boundary by 3.6m. It is therefore not considered to impact significantly on the amenity of the occupiers of Hill View.

The proposal although set in from the boundary with No.1 Albion Terrace by 1m is two-storey at this boundary. It is considered detrimental to the outlook from this property due to the depth of the two-storey element, some 6m beyond the main rear wall of No. 1 Albion Terrace. The proposal therefore does not comply with the 45° rule from the nearest first floor window of this property, which is generally used as a guideline to assess loss of outlook to a property.

### Design Issues

Although a large extension the proposal has been designed to complement the existing property with the first floor element set back from the main front wall of the property and the ridge 1.6m lower than the existing ridge. Matching materials to the existing are proposed. The proposal will create a much wider property than those neighbouring properties but this is not considered to disrupt the character of the streetscene in this location.

### Conclusion:

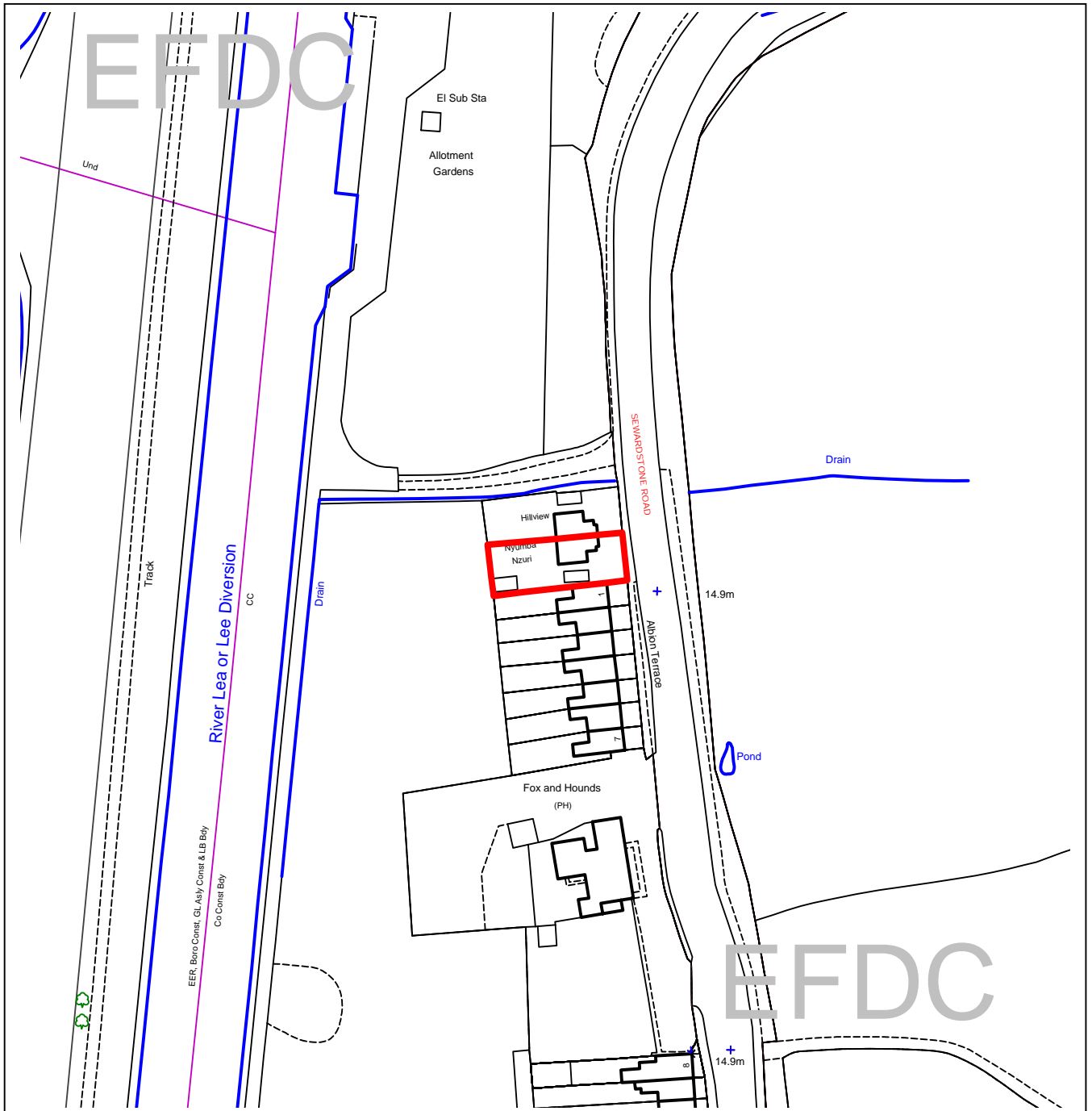
The proposal is considered detrimental to the character and openness of the Green Belt and to neighbouring amenity and it is therefore recommended that planning permission is refused.





# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1710/09
Site Name:	Nyumba Nzuri, Sewardstone Road Waltham Abbey, E4 7SD
Scale of Plot:	1/1250