

**Report to District Development Control
Committee**

Date of meeting: 2 February 2010



**Epping Forest
District Council**

**Subject: Planning Application EPF/1622/09 – Nazeing Glass Works Ltd.,
Nazeing New Road, Nazeing, Essex – Change of use of part of main
factory (B2) to Gymnasium (D2).**

**Officer contact for further information: Graham Courtney – Ext 4228
Committee Secretary: S Hill Ext 4249**

Recommendation:

**That the committee considers the recommendation of the Area Plans
subcommittee West to grant planning permission subject to the following
suggested conditions:**

**1. The development hereby permitted must be begun not later than the
expiration of three years beginning with the date of this notice.**

**Reason:- To comply with the requirements of Section 91 of the Town
and Country Planning Act 1990 (as amended).**

**2. The development hereby permitted shall not be open to customers/
members outside the hours of 06:00 to 22:00 on Monday to Friday, 08:00
to 17:00 on Saturday, and 09:00 to 15:00 on Sundays and public
holidays.**

Reason:- In order to minimise disturbance to local residents.

**3. Prior to occupation of the development hereby approved, details
regarding the layout and intended use of the parking area shall be
submitted to and agreed in writing by the Local Planning Authority.
Thereafter the parking area shall be retained free of obstruction for the
parking of staff and visitors vehicles.**

Reason:- In the interests of highway safety.

Report

1. This application has been referred by the Area Plans Sub Committee West on 2 December 2009 with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The debate at the sub-committee meeting centred on the recommended reasons for refusal and the potential community benefit of the intended D2 use.

3. The sub-committee considered that, given the proximity of the application site to Broxbourne Train Station and existing shops, the site was in a reasonably sustainable location and therefore disagreed with the second recommended grounds for refusal.
4. The sub-committee considered that, on balance, the merits of this case would outweigh any harm resulting from the proposal, despite that the approval would be contrary to Local Plan policy. Of particular merit would be the community benefit of the proposed gym to residents of Nazeing, and as the use of this unit as a gym would have less impact on neighbouring residents than the existing industrial use.
5. Reference was made by sub-committee Members to other employment sites throughout the district where alternative mixed-uses have been introduced. Of specific reference was the Brooker Road industrial estate in Waltham Abbey, where the introduction of alternative uses has been successful in increasing footfall and usage of the site.
6. Although sub-committee Members considered that the merits of the proposal outweigh any potential harm from the insufficient parking provision, it should be noted that since the date of the sub-committee meeting planning consent has been granted for a new car park to the front of the industrial estate (EPF/1760/09). Once laid this would provide 32 additional parking spaces, of which it is stated that 22 would be available for use by the proposed gym, however this development has not yet been implemented.

Conclusion

7. Whilst the proposal is recommended for approval by Area Plans Sub-committee West the planning officer's maintain there is justification to refuse. This is because 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 Estates, where there are known parking problems at present.
8. Notwithstanding the above, should the Committee grant planning permission it should be subject to the suggested conditions, which were discussed and agreed by sub-committee.

ORIGINAL PLANS SUBCOMMITTEE WEST REPORT

Recommended reasons 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.

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 20th 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 has 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 is Hoddesdon, some 7.3km distance, and Grundy Park Leisure Centre is 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 provide 50 off-street parking spaces, whereby for B1 use 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 is 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 where by 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 been 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 Estates 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.