

**Extract from Area Planning Subcommittee East 29 August 2012**

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2577/11
<b>SITE ADDRESS:</b>	Sparks Farm 185 Nine Ashes Road High Ongar Ongar Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mrs Pauline Bearman
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a two storey detached dwelling and Community Nature Reserve.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533837](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533837)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1268 01A, 1268 04B and 956/03, 956/04, 956/05, 956/06, 956/07, 956/08, 956/09, 956/10 and 956/11.
- 3 The development hereby approved shall not be commenced until a detailed methodology for amphibian and reptile mitigation including capture effort and removal together with a relevant plan in respect of the application site and adjoining land in the applicant's ownership as indicated on drawing number 1268 01A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved methodology.
- 4 The development hereby approved shall not be commenced until a detailed description of "appropriate measures" that should be adopted if bats are found in trees, as referred to in section 6.8 of the ecological survey included with the application, have been submitted to and approved in writing by the Local Planning Authority in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A . The development shall be carried out in accordance with the approved measures.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition

and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule) in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 No work to construct the house hereby approved shall take place until all the buildings shown on drawing number 956/10 have been demolished and all resulting debris removed from the application site and adjoining land in the applicants ownership, as identified on drawing number 1268 01A.
- 14 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements, buildings and means of enclosure generally permitted by virtue of Classes A, B and E of Part

1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

**Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public and maintained by the owners of the proposed house in accordance with a Nature Conservation Management Plan.**

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a))*

### **Description of Site:**

The site is to the southwest of Nine Ashes within the Metropolitan Green Belt. It comprises some 1.5 hectares of land that are dominated by redundant agricultural buildings. The site is within a landholding of some 7 hectares. Immediately to the north of the site and within the applicant's ownership is a recently adopted Essex Local Wildlife site. The Local Wildlife site together with the application site is covered by an Area Tree Preservation Order. The site is not in a conservation area and is not within the setting of any listed building.

The site is accessed from a narrow unmade road west of Nine Ashes. There is open countryside to the north, west, and south of the application site. The existing buildings at the farm can be seen from a number of public places along Nine Ashes Road, but at other points the site does benefit from natural screening.

The ground level is undulating but dips considerably towards the northern end where it leads on to the Local Wildlife site. A drain runs to the north side of the buildings and a public footpath crosses land to the south of the site. The Local Wildlife site is presently accessed at its northern end via the local rights of way network.

The character of the wider area of Nine Ashes is a pattern of ribbon development that is rural in appearance. The street scene is made up mostly of detached bungalows and one and a half storey buildings.

### **Description of Proposal:**

Permission is sought to erect a new detached two-storey dwelling with associated car parking area and to change the use of land from agricultural into residential. To enable this, all existing buildings within the site would be removed or demolished. The plans also show an extensive landscape plan for the site.

The proposed 5-bedroom dwelling will be 21.4 metres at its widest point by 11.3 metres at its deepest point. The highest ridge point will be 8.4 metres and to the top of the chimney stack 9.8m. Its external appearance will be mock Tudor with decorative gable projections on all four elevations. It provides kitchen, dining, study, TV/ living room at ground floor level with 5 bedrooms at the first floor level. The new dwelling will be sited some 200 metres from the edge of Nine Ashes Road.

For the purposes of the application, the statement describes the new dwelling as an 'Eco house'. The applicant has offered to create a community nature reserve on the Essex Local Wildlife site. The nature reserve would be managed in accordance with a nature conservation management plan at the applicant's cost. There would be free public access to the proposed nature reserve.

### **Relevant History:**

- EPF/1488/02 Outline application for the erection of four detached houses and affordable housing (numbers to be agreed). Refused
- EFP/0485/04 Outline application for single detached dwelling in connection with holding. Refused and subsequent appeal dismissed on the basis that there was no agricultural justification for the dwelling
- EPF/0401/09 and EPF/0634/09 Raising of ground levels to north of site and re-routing footpath to south of site. Withdrawn
- EPF/685/10 Raising of ground levels to north of site, re-routing public footpath to south of site (Revised application) Refused.
- EPF/0701/10 Use of land for stationing of a mobile home with agricultural tie, and provision of associated gravel access road. Refused
- EPF/0684/10 Change of use of land to residential and erection of two-storey detached dwelling. Refused on the basis of harm to the green belt and poor sustainability.

### **Policies Applied:**

- CP2 – Protecting the quality of the built environment
- CP3 – New development
- GB2A – Development in the green belt
- GB7A – Conspicuous development
- DBE 1 - Impact on new buildings on surroundings
- DBE4 – Development within the green belt
- DBE6 - Parking for new residential developments
- DBE8 – Private amenity
- DBE 9 - Neighbour Amenity
- ST1, ST2, ST4 and ST6 – Highway safety and car parking
- LL2 and LL10 – Landscaping
- NC4 – Protection of established habitats

### **Summary of Representations**

The occupants of 10 neighbouring properties were consulted and a site notice displayed. The following responses were received:

PETITION IN SUPPORT – Letter signed by 10 neighbours in support of the application.  
(Berry farm, 202, 206, 208, 199, 236, 189, 212, 214, 210 Nine Ashes Road)

236 NINE ASHES ROAD - Proposal will complement the area and improve the site. The site is presently an eyesore. Nine Ashes is a rural community, as such affordable housing is not supported. The proposal is in full sympathy to the wildlife and nature in the locality.

HIGH ONGAR PARISH COUNCIL Supports – Support this application, provided the house is in keeping with the neighbourhood and that no further development of the site be permitted in the future.

### **Issues and Considerations:**

#### **Main Issues:**

The proposed house is inappropriate development in the Green Belt and as such is contrary to Local Plan policy GB2A. Unlike national planning policy as set out in the National Planning Policy Framework, policy GB2A makes no allowance for the demonstration of very special circumstances. The house proposed is the same as that proposed under application

EPF/0684/10. The main matters to consider are the consequences for the openness of the Green Belt and the degree of weight to be attached to the proposal to create a community nature reserve on a recently designated Essex Local Wildlife site.

The proposal involves the erection of a large detached two-storey dwelling on a site where there is presently no residential use. The proposal would also result in one fifth of the approximately 7 hectare landholding becoming residential curtilage. The house would clearly be harmful to the interests of openness but as a consequence of the demolition of considerable existing buildings, some of which are very large, the development would overall result in a significant improvement in the openness of the application site. That improvement in openness would be apparent from publically accessible vantage points. However, whilst the present buildings are very large, since they are agricultural buildings they are appropriate within the rural context of the site. Notwithstanding their appropriate appearance, the improvement in openness and visual amenity arising from this proposal is a material consideration of significant weight. The rationale for reaching that conclusion is supported by the fact that the buildings have not been used for agriculture for many years and there is no realistic prospect of them being reused for that purpose.

In addition to the benefits to openness, which would have been secured by the previously refused proposal, the current proposal also includes the formation of a community nature reserve at no public cost to which the public would have free access. This can be secured by a planning obligation and this has been offered by the applicant. The Council's Tree and Landscape officer advises this proposal is of benefit since it would secure a management plan in order to conserve and allow access to an area important for wildlife. That position is reflected in the advice of the Countrycare manager and reference is made to the presence of veteran trees, bats, GC newts, grass snakes, and diverse meadow/ grassland habitats. Having regard to expert advice on the proposal to create a community nature reserve, this new dimension to the proposal is also a material consideration of significant weight.

#### Other Matters:

##### *Design and appearance*

The design and the appearance of the proposed new dwelling is a large and imposing building. It adopts a number of projecting gables and a mock-Tudor facade. It would be much larger in scale than houses typically found in Nine Ashes but its siting is to some degree remote from established residential development and consequently its scale would not form a sharp visual contrast with such development. Of itself the design is not unattractive and although inappropriate in Green Belt terms, would overall respect the character of the locality.

##### *Neighbours amenity*

The new dwelling will be sited some 200 metres from the edge of the road, this is a generous distance from any of the immediate neighbouring dwellings. Due to its siting the proposed new dwelling would not result in any overlooking, loss of light or other harm to the amenities of neighbouring occupiers.

##### *Sustainability*

As with any house situated in a rural location it will be car dependant. However, it is well related to existing residential development in Nine Ashes and would be no less sustainable in terms of its location.

The applicant makes the case that the proposal is for an eco-house. While the proposal would no doubt be constructed to a high standard, insufficient information has been submitted to demonstrate the house would be any more sustainable than any other house constructed in

accordance with the present Building Regulations. Consequently little turns on the applicant's claim.

#### *Road safety*

The Highway Authority are satisfied that the applicant has demonstrated the proposed traffic generation will be less than the permitted use of the site and does not object to the proposal because it does not result in any highway safety concerns. The parking arrangement for the proposal is acceptable.

#### **Conclusion:**

The proposed development would have an acceptable appearance, would cause no harm to the interests of amenity and would be no less sustainable than any other modern house constructed within the built up enclave of Nine Ashes. It is inappropriate development in the Green Belt and by definition harmful to it. However, the significance of the improvement in the openness of the Green Belt that would arise from the proposal together with the nature conservation and landscape benefits offered is very great. Moreover, the benefits to the interests of nature conservation can only be secured in connection with this proposal since the Essex Local Wildlife site on which the proposed community nature reserve would be created is entirely within land in the applicant's ownership. It could not be secured anywhere else. This set of circumstances is sufficiently unique that they would not readily be repeated on any other Green Belt site.

Having balanced all the material considerations the benefits to openness and nature conservation arising from this particular proposal amount to very special circumstances that outweigh the harm it would cause by reason of inappropriateness. It is therefore recommended that planning permission be granted subject to appropriate conditions and the completion of a planning obligation to secure the nature conservation benefits of the proposal.

Since adopted planning policy does not allow for very special circumstances the grant of planning permission would be contrary to policy. Therefore, if the Sub-Committee accepts the recommendation to grant planning permission it will be necessary to refer the application to the District Development Control Committee for its consideration.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

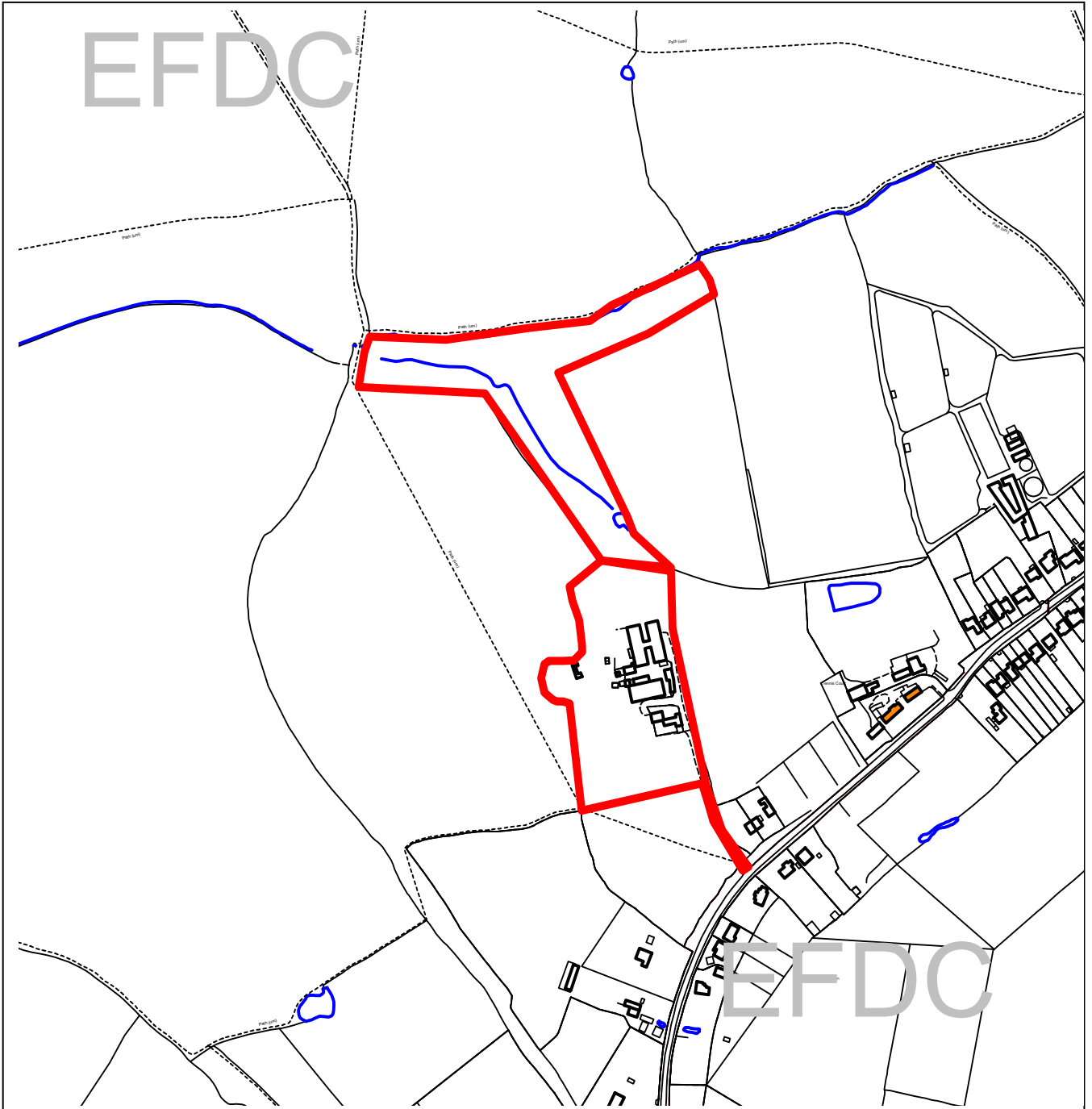
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/2577/11
Site Name:	Sparks Farm, 185 Nine Ashes Road High Ongar,
Scale of Plot:	1/5000