



UTTLESFORD DISTRICT COUNCIL

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Mr Jason Seed
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Dated:20 April 2018

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Number: UTT/17/1533/FUL
Applicant: Mr Colin Pharaoh

Uttlesford District Council **Grants Permission** for:

Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements) in order to allow the importation of waste material from additional sites at Elsenham Golf And Leisure Limited Hall Road Henham CM22 6FL

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
ARBTECH AIA 01 1/4	Landscape Details	22/04/2016
ARBTECH AIA 01 2/4	Landscape Details	22/04/2016
ARBTECH AIA 01 3/4	Landscape Details	22/04/2016
ARBTECH AIA 01 4/4	Landscape Details	22/04/2016
ELSE.0.302-3.6	Location Plan	22/04/2016
0302-32	Location Plan	22/04/2016
EDI.ELSE.03.02-3.30	Other	14/10/2016
EDI.ELSE.03.02-3.4A	Other	14/10/2016
CP01 C	Other	14/10/2016

Permission is granted with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Development shall be carried out in accordance with the information submitted and discharged under UTT/17/2046/DOC.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of Birds and an increase in the bird hazard risk of the application site, in accordance with ULP policy GEN2

- 3 Development shall be carried out in accordance within the submitted revised Bird Hazard Management Plan submitted and discharged under UTT/17/2046/DOC.

REASON: It is necessary to manage the development in order to minimize its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport in accordance with ULP policy GEN2

- 4 The works shall be undertaken in accordance with all recommendations in the Ecological Assessment Report (October 2015). Any deviation from the recommendations should be communicated to the Local Planning Authority and project ecologist immediately.

REASON: To ensure all habitats and species identified as being present on / or adjacent to the site are protected appropriately in accordance with ULP policy GEN7.

- 5 The proposal shall be carried out in accordance with the mitigation strategy in respect of Great Crested newts submitted and discharged under UTT/17/2046/DOC.

REASON: To ensure great crested newts (a European Protected Species) are protected throughout works in accordance with ULP policy GEN7.

- 6 The proposal shall be carried out in accordance with the mitigation strategy submitted and discharged under UTT/17/2046/DOC.

REASON: To ensure reptiles(nationally protected species) are protected throughout works in accordance with ULP policy GEN7.

- 7 The proposal shall be carried out in accordance with the construction method statement submitted and discharged under UTT/17/1224/DOC

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with ULP policy GEN1

- 8 No floodlighting or external lighting shall be installed until details of lighting including lux levels has been submitted to and approved in writing by the local planning authority. Thereafter the lights shall be installed in accordance with the approved details.

REASON: In the interest of visual amenity and airport safety in accordance with ULP policies GEN2 and GEN5.

- 9 In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent from the Local Planning Authority.

REASON: To prevent pollution of the water environment, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

- 11 No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology shall be imported to the site. No contaminated materials and/or waste that will undergo any significant physical, chemical or biological transformations and/or dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact shall be imported to the site. All materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment. Any necessary certification shall be forwarded to the Local Planning authority within 28 days of authorisation.

REASON: Waste material outside of the aforementioned would raise additional environmental concerns which would need to be considered afresh and too comply with ULP policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 12 No crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

REASON: To protect residential amenity from adverse impacts from such operations, to control waste processing operations and to comply with Policies...

WLP Policies: W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 13 The development shall take place in accordance with the details of wheel and underside chassis cleaning facilities submitted to and approved in writing by the Local Planning Authority under UTT/17/1224/DOC. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

REASON: In the interests of highway safety, safeguarding local amenity and to comply with Policies W3A, W4C, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 14 No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

REASON: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN4 of the Uttlesford Local Plan (adopted 2005)

- 15 No aggregate shall be exported from the site.

REASON: To control the level of operations so as to minimise the impact of the resultants traffic on the local/environment, in accordance with Policies GEN1, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 16 No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Local Planning Authority.
- (b) When the upper soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 - 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

REASON: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Policies W3A, W10C, W10E from the Essex County Council Waste Local Plan.


Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

- 17 The proposal hereby permitted excludes the use of solar photovoltaic (PV) installations to power the drainage and irrigation system.

REASON: The installation can have an impact on aerodrome safeguarding and would be contrary to ULP policy GEN2

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
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Gordon Glenday
Assistant Director Planning

Notes:

- 1 Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Stansted Airport at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to determine whether a Tall Equipment Permit would need to be obtained and whether any operating restrictions would need to be agreed in advance of issuing the Permit.
Reason: To ensure that Stansted Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft
- 2 This permission does not incorporate Listed Building Consent unless specifically stated.
- * The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.
 - * The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.
 - * The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).
 - * It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.
 - * Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.
 - * Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.
 - * If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.
 - * Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.
 - * If you are aggrieved by the decision of the Council to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, section 20 and 21 of The Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisement) Regulations 1992.
 - * If you want to appeal against the Council's decision then you must do so within 12 weeks if it is a Householder (HHF) application, 6 months for other Planning Applications and Listed Building applications and all other planning applications or within 8 weeks in relation to Advertisement applications.
 - * If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder application) of the date of this notice, whichever period expires earlier.
 - * The Inspectorate will publish details of your appeal on the internet. Please only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

* Appeals must be made using a form available from the Planning Inspectorate Customer Support Team 0303 444 50 00 or to submit electronically at <https://www.gov.uk/appeal-planning-inspectorate>.

* If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

* Working in close proximity to live overhead lines:

The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines"

UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.

- 3 The applicants are advised the need to email their intention regarding the building of the new reservoir to Reservoirs@environment-agency.gov.uk
- 4 The applicant is informed that a bespoke permit under the Environmental Permitting Regulations 2010 may be required for this proposal and applicant should liaise with Environment Agency before development commences.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
(ii) The public's rights and ease of passage over public footpath 39, Henham and bridleway 5, Elsenham shall be maintained free and unobstructed at all times.