

UTTLESFORD DISTRICT COUNCIL

PLANNING COMMITTEE

SUPPLEMENTARY LIST OF REPRESENTATIONS

11 January 2017

4.4 UTT/16/1066/FUL - Elsenham Golf And Leisure Limited, Hall Road Henham

Manchester Airports Group Comments:

The main issue for effective safeguarding of the aerodrome is not to have any part of the GCN ponds or drainage system (or to have any development that would require drainage to be functioning) to be created until there is an acceptable scheme for netting in place. This could suggest that this does not need to be a pre-commencement condition as some works could in theory start beforehand but this leads to a further question - what is a suitable replacement trigger?

If the water bodies that needed netting were limited to just the drainage ponds then I could envisage an alteration to the condition, however it's more likely that the GCN ponds will need to be created quite early in the development phase; what works can / need to happen before these ponds will be created?

I'm more than happy to consider suggestions from either yourself or the developer.

Agents Comments to the above:

I have the following comments to make in respect of the conditions.

2 - Not sure that this is necessary as the netting details are contained within the proposal plans. Furthermore, there is no need for this to be a pre-commencement condition as the details could be submitted after development has commenced as it will be several months before the netting is installed, by which point the condition will have been discharged, so at worst it should be pre-occupation. As you are aware, the Government direction is to avoid pre-commencement conditions wherever possible and in this instance there is no need for it to be pre-commencement. I also feel that it fails the test of necessity as previously stated.

5 - A GCN mitigation strategy is detailed within Page 43 of the Ecology Assessment, and further details will be a requirement in securing a licence from NE. It is therefore considered that this condition 'doubles up' on the requirements external to the planning system and is therefore excessive and not required.

6 - Would a method statement, as recommended within Page 44 of the Ecology Assessment, suffice?

8 - We have already covered this within our submission. The ambience lanterns will barely register on a lighting survey and no other lighting is proposed so this condition is considered

to be excessive and unreasonable, failing the tests as laid out by Government. If however you feel the need for this condition to be applied, could it please be made to exclude the lighting already proposed and assessed under this application?

18 - There is no aggregate at the site so this condition is irrelevant to the proposal.

Graham Mott on behalf of Elsenham District Council:

I am writing on behalf of Elsenham District Council, which I joined recently following a casual vacancy.

The above is scheduled for discussion at the meeting of the Planning Committee on 11 January. I want to point out what appear to be some irregularities.

1. The site is described in the Agenda and location as being in Henham. There is no doubt that the whole of the site, including the golf course and all the associated buildings, is in Elsenham. The parish boundary with Henham runs along the north of the site. The address is Hall Road, Elsenham and the postcode CM22 6FL signifies Hall Road, Elsenham. The location on the Report gives 'Hall Road, Henham, CM22 6FL', whereas 2.1 states correctly, 'The site is located to the north of Hall Road in Elsenham'.

2. Sections 8.23 to 8.28 give several conditions requested by the Environment Agency. Their most recent response on the website is dated 21 December, not 24 October as stated at 8.22. Without making a word by word comparison, I believe that 8.23 to 8.28 are in line with their response. But I can find nothing in the conditions proposed under the recommendation to approve in Section 11. which takes account of the Environment Agency's several requested conditions.

3. Section 8.29 gives the response of the Reservoir Safety Team, but I find nothing in Section 11. to reflect their requested condition.

4. Sections 8.31 to 8.34 give the response of Essex Highways. The condition requested in 8.32 is included in Section 11. But I find nothing in Section 11. to include the conditions requested in 8.33 and 8.34.

5. The heading BAA above Section 8.36 is incorrect. Stansted Airport has been owned by Manchester Airports Group (MAG) since February 2013.

6. In section 8.37, a new paragraph would be helpful before the last sentence, which correctly identifies requested conditions relating to netting of the reservoir, a bird hazard management plan and information relating to cranes and tall construction equipment. I find the first two in Section 11., but nothing relating to the potential hazard of cranes and tall equipment. The proposed condition in 8.39 is included in Section 11.

I would like to stress that Elsenham Parish Council remains supportive of the proposal. At present we are not minded to address the meeting, but of course we reserve the right to do so if we feel that the points above have not been adequately answered.

Planning Officer Comments to the above:

Dear Mr. Mott, Thank you for your email. I will try to address your concerns:

1. Unfortunately the address was incorrectly put into the computer system by our administration team because the original application form (dated 18th April 2016)

submitted by the agent listed the site address as Henham. Clearly the site is within Elsenham and the appropriate consultees/ Parish Council etc. were notified.

2. The Environment Agency supplied suggested conditions which overlapped with suggested conditions suggested by the Council's Environmental Health officers. I then asked out Environmental Health team to rewrite their conditions taking into account the Environment Agency's comments. The conditions listed in section 11 reflect this.
3. The applicants have been made aware of the requirement to contact the Reservoir team and this will be put onto any decision notice (if approved) as an informative.
4. The conditions as suggested by the Highways authority listed under 8.33 and 8.34 are considered to be unreasonable and unenforceable. (The highway Authority have been advised)
5. You are correct the consultee reply is from MAG (our computer consultee code has not been changed- our admin team have been advised accordingly)
6. An informative will be added in relation to the use of cranes and tall construction equipment should the application be approved.

4.5 UTT/16/2520/FUL - 1 Rectory Drive, Rectory Lane Farnham

Environmental Health Comments:

I can see why it might be of concern to neighbours, but I can't see how we could enforce a condition making them be quiet, other than one restricting hours of public/business use.

Planning Officer Comments to the above:

Notwithstanding the additional comments from Environmental Health, Officers recommend that the application be refused for the reasons set out in the published report. It is considered that such a condition would not overcome the reasons for refusal; moreover, it would be difficult to enforce a condition restricting the hours of commercial use for swimming lessons.