

UTT/17/1673/FUL – (ELSENHAM)

(MAJOR APPLICATION)

PROPOSAL: Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10(Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventure golf area as illustrated by drawing number CP01 C

LOCATION: Elsenham Golf and Leisure, Hall Road, Elsenham

APPLICANT: Mr Pharoah

AGENT: Mr J Seed

EXPIRY DATE: 25 January 2017

CASE OFFICER: Madeleine Jones

1. NOTATION

- 1.1 Outside Development Limits. Public Right of Way. Within 6KM of Stansted Airport. Within 250m of Landfill Site. Within 2km of SSSI. Contaminated Land. Tree Preservation Order. Adjacent Historic Park/Garden. Countryside Protection Zone.

2. DESCRIPTION OF SITE

- 2.1 The site is located to the north of Hall Road in Elsenham and is assessed by a single track (with passing points) that is shared with Elsenham Quarry. The application site comprises a golf course with associated clubhouse and golf driving range. There is a car park to the west of the clubhouse providing parking for approximately 100 vehicles. There is a certified caravan club to the north west of the driving range to the north and north east of the site is Elsenham quarry. Adjacent to the site are important woodlands (Lady Wood and Park Wood which are adjacent to Pledgdon Wood) which is a SSSI. There are residential properties to the west of the access road. Stansted Airport is approximately 1.8 km to the south of the site.

3. PROPOSAL

- 3.1 Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10(Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventure golf area as illustrated by drawing number CP01 C.

4. APPLICANT'S CASE

- 4.1 The variation is required to facilitate part of the construction programme as detailed within this Statement. With this I mind, we are eager to work with the LPA to seek a solution to this problem in accordance with Paragraph 187 of the National Planning Policy Framework (NPPF) which states that LPAs should look for solutions rather than problems, and decision-takers at every level should seek

to approve applications for sustainable development where possible. Paragraph 188 continues, stating that LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

4.2 *Need for the Variation*

The decision notice (included with this submission) provided conditional approval of the following:

'Proposed 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 at Elsenham Golf And Leisure Limited Hall Road Henham CM22 6FL'

The application was approved on 16/01/2017. Since this date, the Planning Authority has discharged Conditions 7, 8, 16 and 17. An application has also been submitted to vary Condition 14. However, this condition is not 'pre-commencement' and is therefore not proposed to be varied under this application.

A number of conditions attached to the consent are however pre-commencement. The Neighbourhood Planning Act 2017 strongly indicates that Government's intention to remove barriers to delivery, including addressing the unnecessary / over-use of pre-commencement conditions. This is particularly relevant to this application for the reasons detailed below.

The applicant currently has a number of consultants preparing various surveys and studies to submit in respect of the remaining conditions which are to be discharged in respect of UTT/16/1066/FUL. However, due to the range and depth of information which is required, this information will not be available within the immediate future. However, the applicant is under commercial pressure to deliver part of the approved development at the earliest opportunity, namely the adventure golf area. A detailed plan of this section of the proposal was provided within approved Drawing Number: CP01 C, a copy of which accompanies this submission for your information.

The construction methodology for this part of the approved works differs from that of the driving range improvements and associated development. The adventure golf area requires no importation of material (unlike the remainder of the proposal), and instead requires the stripping of the top soil and then using purchased aggregate (supplemented by existing soil which is already present at the site) to raise the ground level by approximately 1 metre.

All materials will come into the site as part of a building contract, rather than as the tipping of soils as per the re-profiling works. The project contractor will then start the layout of the course and will be on site for 10 weeks.

For commercial reasons, these works need to commence at the earliest possible opportunity, with a completion date set for early September 2017. At present, is it considered that the pre-commencement conditions attached to UTT/16/1066/FUL prevent this from occurring and, as such, a variation of the relevant conditions is required.

4.4 *Proposed Variation*

As stated above, a number of conditions have already been discharged by the Planning Authority and as such, would not need to appear on a S73 decision notice as 'pre-commencement' and would be need to be reworded to reflect their discharge.

The application for Condition 14 would remain unaffected as there was no pre-commencement direction contained within this condition.

As such, this application applies to vary the following conditions: 2, 3, 9, and 10. It is considered that the precise wording of each condition is a matter for further discussion between the applicant and the Planning Authority, although it is suggested that each condition should contain the following exclusion:

'...(excluding the construction of the adventure golf area illustrated by Drawing Number CP01 C'.

A brief summary of the considered acceptability of the variation is provided below

4.5 *Summary of Variations*

Condition 2 – requires the submission and approval of a fully detailed scheme and management plan for the netting of the reservoir and great crested newt ponds prior to commencement. The construction of the adventure game area would take place in advance of the reservoir / ponds and as such, is of no relevance to this requirement and the permitting of its construction would not conflict with the reason provided for the imposition of this condition (please see enclosed decision notice).

Condition 3 - requires the submission of a Bird Hazard Management Plan (BHMP) to be submitted to and approved in writing by the Local Planning Authority prior to commencement. Whilst the BHMP is currently in preparation and will soon be submitted, the artificial nature of the facility ensures that this particular aspect of the proposal will not conflict with the reason for the imposition of the condition (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).

Conditions 9 and 10 – these conditions seek to ensure that the proposed development does not cause harm to human health, the water environment and other receptors and require investigation must be undertaken by a competent person and be based on the findings of the approved Phase 1 Desk Study. Given the nature of the approved works overall, the imposition of this condition is totally understandable. However, when considering this condition and the proposed variation, it is important to also consider the construction programme as detailed within the 'Need for Variation' section of this document. The works proposed to be excluded from the conditions under this variation would clearly not conflict with the reason for the condition being imposed and it is highly unlikely that such a condition would be imposed had this aspect of the approved development been applied for in isolation.

4.6 *Summary and Conclusion*

This application requests a variation to Conditions 2, 3, 9 and 10 of planning approval reference UTT/16/1066/FUL.

The variation is required in order for the approved adventure golf area to be constructed prior to the submission and approval of information required by these conditions so that the operator can meet their commercial obligations.

Whilst it is considered that the final wording of the amended conditions is a matter for discussion, the principle of the variation is considered to be acceptable and its approval would not result in any conflict with the reasons for their imposition.

Sufficient safeguards would remain in place to ensure that the remainder of the approved development was delivered within the manner in which the original approval intended.

As such, it is considered that the variation should be granted, and we look forward

to working with you within the spirit of Paragraphs 187 and 188 of the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 SWR/0015/58 – Extension of permission for extraction of sand and gravel approved with conditions.
- 5.2 UTT/0644/94/FUL - Retention of mobile home for security purposes. Approved with Conditions.
- 5.3 SWR/0450/71 – Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish. Approved with conditions.
- 5.4 UTT/0461/77 – Withdrawn.
- 5.5 UTT/0948/12/FUL - External deck to first floor side elevation. Approved with conditions.
- 5.6 SWR/0007/58 – Development of land for sand excavations. Approved with conditions.
- 5.7 UTT/1801/08/FUL - Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works. Refused.
- 5.8 UTT/15/0819/FUL - Proposed demolition of single storey rear addition and erection of single storey extension plus new conservatory, including insertion of three new roof windows in the existing roof. Approved with Conditions.
- 5.9 UTT/0007/99/FUL - Extension to existing storage building, enclosure of open bays and erection of terrace. Approved with Conditions.
- 5.10 UTT/0182/95/FUL – Change of use of agricultural land after sand extraction and landfill to nine hole golf course and three academy (practice holes) Conditionally approved.
- 5.11 UTT/1251/09/FUL - Siting of portacabin for period of 18 months. Approved with Conditions.
- 5.12 UTT/0728/11/FUL - Temporary siting of portacabin for two years. Approved with conditions.
- 5.13 UTT/0814/03/FUL - Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space. Approved with conditions.
- 5.14 UTT/0041/78 – Reinstatement of existing sand and gravel pits to agricultural land. approved with conditions.
- 5.15 UTT/1021/09/FUL - Construction of a new health facility, swimming pool, squash courts, sports hall, reception, restaurant, 40 parking spaces and ancillary works. Approved with Conditions.

- 5.16 UTT/1581/11/FUL - Variation of condition C.90c (The proposed portacabin structure hereby permitted shall remain assembled and be used in accordance with the boundaries of condition 4 above for a period of no more than 18 months from the date of this permission. After the expiry of this period the portacabin structure shall be completely dismantled and removed from site in its entirety and the ground returned to its previous condition, unless otherwise agreed in writing by the local planning authority) on planning application UTT/1251/09/FUL.
- 5.17 UTT/1774/90 – Construction of golf driving range with associated parking facilities and alteration to existing access. Approved with conditions.
- 5.18 UTT/13/2539/FUL – Removal of existing portacabin and link corridor and erection of new single storey extension, to create larger gymnasium suite. Approved with Conditions.
- 5.19 UTT/1400/87 – Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course. Conditionally approved.
- 5.20 UTT/14/2973/FUL - Construction of new external bar and 2 no. external toilets, located beneath the existing first floor balcony. Approved with Conditions.
- 5.21 UTT/0187/94/FUL – Temporary stationing of mobile home, erection of machinery store. Approved with conditions.
- 5.22 UTT/1218/96/FUL- Erection of two storey extension to clubhouse including employees flat.
- 5.23 UTT/0984/91 – Change of use of farmland to 18 hole golf course. Withdrawn.
- 5.24 UTT/16/1066/FUL - Proposed 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. Approved with conditions.
- 5.25 UTT/17/1312/FUL - Widening of sections of the access roadway to create a two lane roadway for the length within the applicant's control. Pending decision.
- 5.26 UTT/17/1533/FUL - 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. Pending decision.
- 5.27 UTT/17/2046/DOC - Application to discharge conditions 2 (Scheme and management plan), 3 (Bird hazard management plan), 5 (Newt mitigation strategy) and 6 (Reptile mitigation report) attached to UTT/16/1066/FUL dated 16.01.2017. Conditions 2, 3, 5 and 6 were discharged on the 27th September 2017.
- 5.28 UTT/17/2811/DOC - Application to discharge Conditions 7 (Construction method statement) and 16 (details of wheel cleaning facilities) attached to UTT/16/1066/FUL dated 16 January 2017. Pending consideration.

5.29 UTT/17/3044/DOC - Application to discharge condition 9 (Contamination), 10 (Remediation scheme) and 11 (Remediation scheme implementation) attached to UTT/16/1066/FUL dated 16.01.2017. Pending consideration.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy S8 – The Countryside Protection Zone
- Policy GEN2 – Design
- Policy GEN1 – Access
- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation
- Policy ENV3 – Open Spaces and Trees
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy ENV14 – Contaminated Land
- Policy LC4 – Provision of outdoor sport and recreational facilities beyond settlement limits
- Policy GEN3 – Flood Protection

7. PARISH COUNCIL COMMENTS

7.1 No further comments.

8. CONSULTATIONS

Environmental Health

8.1 13th July conditions 9 and 10 were applied as a result of the identified risk to human health and environmental receptors due to the historic use of the site for landfill. The condition of the land beneath the adventure golf area cannot be established, and any risk subsequently evaluated if the area is excluded from the condition.

This section would not therefore recommend variation of conditions 9 and 10.

8.2 19th July further to my comments dated 13th July, additional information has been submitted in the form of a ground gas risk assessment report prepared in 2008 to support an application to extend the clubhouse.

The report showed sampling boreholes were installed near to the area of land to be occupied by the Adventure Golf Course and detected landfill gases at all monitoring standpipes. As a result, a moderate risk from the presence of landfill gases was identified as a worst case.

The findings confirm that ground gases need to be risk assessed, and as the level and pathways of any gases will have changed since 2008, and the monitoring wasn't in the area of interest, the report cannot be relied on to evidence current levels of contamination.

In addition, further sources of contamination must be evaluated to assess any risk to future users, construction workers and the water environment.

The additional information is not sufficient to be able to recommend variation of conditions 9 and 10.

- 8.3 17th October following further information being submitted I have no objections.

Essex County Council Ecology

- 8.4 I have no objections to the applicant's wish to vary Conditions 2 or 3.

NATS Safeguarding

- 8.5 No objections.

Essex County Council – Highways

- 8.6 There are no highways implications to these conditions; therefore the highway authority has no comment.

MAG airports

- 8.7 Following earlier objections, magairports confirmed that conditions 2 and 3 attached to UTT/17/2046/DOC could be discharged.

Environment Agency

- 8.9 Following earlier objections, the comments made in our letter of the same date (Ref No: AE/2017/122201) written in response to the application to discharge conditions 9, 10 and 11 under reference UTT/17/3044/DOC are relevant to this application.

The site investigation report for the whole site, including the proposed adventure golf course, shows that the conditions in the vicinity of the landfill area are satisfactory and that the landfill presents a very low risk to controlled waters. Given this situation we have been able to recommend the discharge of Conditions 9, 10 and 11 for the whole site. Accordingly, we are now in a position to accept the proposed variation in relation to conditions 9, 10 and 11.

9. REPRESENTATIONS

- 9.1 This application has been advertised and 67 neighbouring properties notified. Expiry date 19th July 2017. No representations have been received.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether it would be justifiable in policy terms to vary Condition 2 (Netting of reservoir and ponds) of UTT/16/1066/FUL (NPPF; ULP Policies GEN2, GEN7)
- B Whether it would be justifiable in policy terms to vary Condition 3 (Bird Hazard Management Plan) of UTT/16/1066/FUL (NPPF; ULP Policies GEN2, GEN7)
- C Whether it would be justifiable in policy terms to vary Condition 9 (Site

Contamination Investigation) of UTT/16/1066/FUL (NPPF; ULP policies GEN2, ENV12, and ENV 14)

D Whether it would be justifiable in policy terms to vary Condition 10 (Remediation Scheme) of UTT/16/1066/FUL (NPPF; ULP GEN2, ENV12, and ENV 14)

10.1 The Planning Practice Guidance states that, *“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”* (Paragraph: 031 Reference ID: 21a-031-20140306)

10.2 Paragraph 206 of the NPPF states that, *“Planning conditions should only be imposed where they are:*

- 1. Necessary;*
- 2. Relevant to planning and;*
- 3. To the development to be permitted;*
- 4. Enforceable;*
- 5. Precise and;*
- 6. Reasonable in all other respects.”*

A Whether it would be justifiable in policy terms to vary Condition 2 (Netting of reservoir and ponds) of UTT/16/1066/FUL (NPPF; ULP Policies GEN2, GEN7)

10.3 Condition 2 stated: Development shall not begin until a fully detailed scheme and management plan for the netting of the reservoir and great crested newt ponds has been submitted and approved in writing by the Local Planning Authority, in consultation with the Safeguarding Authority for Stansted Airport. The netting must be designed to fully exclude hazardous birds such as, but not limited to, ducks, feral geese and grey heron. The management plan must include measures to ensure the netting is maintained and retained to the approved specification for as long as the reservoir and great crested newt ponds are required. Thereafter shall be implemented in accordance with the approved details. No subsequent alterations to the approved scheme are to take place unless first submitted to and approved in writing by the Local Planning Authority.

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 This condition has been discharged under UTT/17/2046/DOC.

B Whether it would be justifiable in policy terms to vary Condition 3 (Bird Hazard Management Plan) of UTT/16/1066/FUL (NPPF; ULP Policies GEN2, GEN7)

10.4 Condition 3 stated: Development shall not commence until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at www.aoa.org.uk/operations-safety)
- Maintenance of planted and landscaped areas, particularly in terms of species of plants that will be allowed to grow.

The Bird Hazard Management Plan shall be implemented as approved as part of

the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

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. This condition has been discharged under UTT/17/2046/DOC

C Whether it would be justifiable in policy terms to vary Condition 9 (Site Contamination Investigation) of UTT/16/1066/FUL (NPPF; ULP policies GEN2, ENV12, and ENV 14)

10.5 The site is located on previously filled land and disturbance by earthworks and drainage may cause harm to relevant receptors, including human health and the water and ecological environment.

The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The applicant has submitted additional information in the form of the Intrusive Investigation & Assessment report, Elsenham Golf & Leisure (Discovery CE Ltd ref: 17090J-01 dated 18 October 2017). The site investigation report for the whole site, including the proposed adventure golf course, shows that the landfill presents a very low risk to controlled waters.

The investigation included sampling of near surface soils, validation of the historic landfill cap thickness, groundwater sampling boreholes close to the landfill and surface water brook sampling. Whilst some exceedances of assessment criteria were identified from material beneath the cap, the cap will act as an effective barrier to human exposure.

Environment Agency officers and Environmental Health Officers have no objection to a variation to condition 9.

D Whether it would be justifiable in policy terms to vary Condition 10 (Remediation Scheme) of UTT/16/1066/FUL (NPPF; ULP GEN2, ENV12, and ENV 14)

Condition 10 stated: If found to be necessary as a result of part 1 (condition 9 above), a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection

Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

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). The Intrusive Investigation & Assessment, October 2017, ref 17090J -01, prepared by Discovery Geotechnical & Environmental Engineers indicated that no remediation is necessary.

Environmental Health Officers and the Environment Agency have been consulted and confirm that condition 10 can be varied.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A This condition has been discharged under UTT/17/2046/DOC
- B This condition has been discharged under UTT/17/2046/DOC
- C Environment Agency officers and Environmental Health Officers have no objection to a variation to condition 9
- D Environmental Health Officers and the Environment Agency have been consulted and confirm that condition 10 can be varied.

RECOMMENDATION – CONDITIONAL APPROVAL

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 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

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 The development including groundworks, excluding the construction of the adventure golf area as illustrated by drawing number CP01 C ,submitted with UTT/16/1066/FUL shall take place until a site investigation of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) a conceptual model of the site indicating sources, pathways and receptors
 - (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors.

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

- 10 If found to be necessary, excluding the construction of the adventure golf area as illustrated by drawing number CP01 C submitted with UTT/16/1066/FUL, as a result of part 1 (condition 9 above), a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

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).

- 11 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If a requirement for longer term monitoring is identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council.

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).

- 12 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).

- 13 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).

14. No waste other than those waste materials defined in the application details shall enter the site.

REASON: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local plan (adopted 2005)

15. 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)

16. No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. 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).

17. 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)

18. 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).

19. 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.

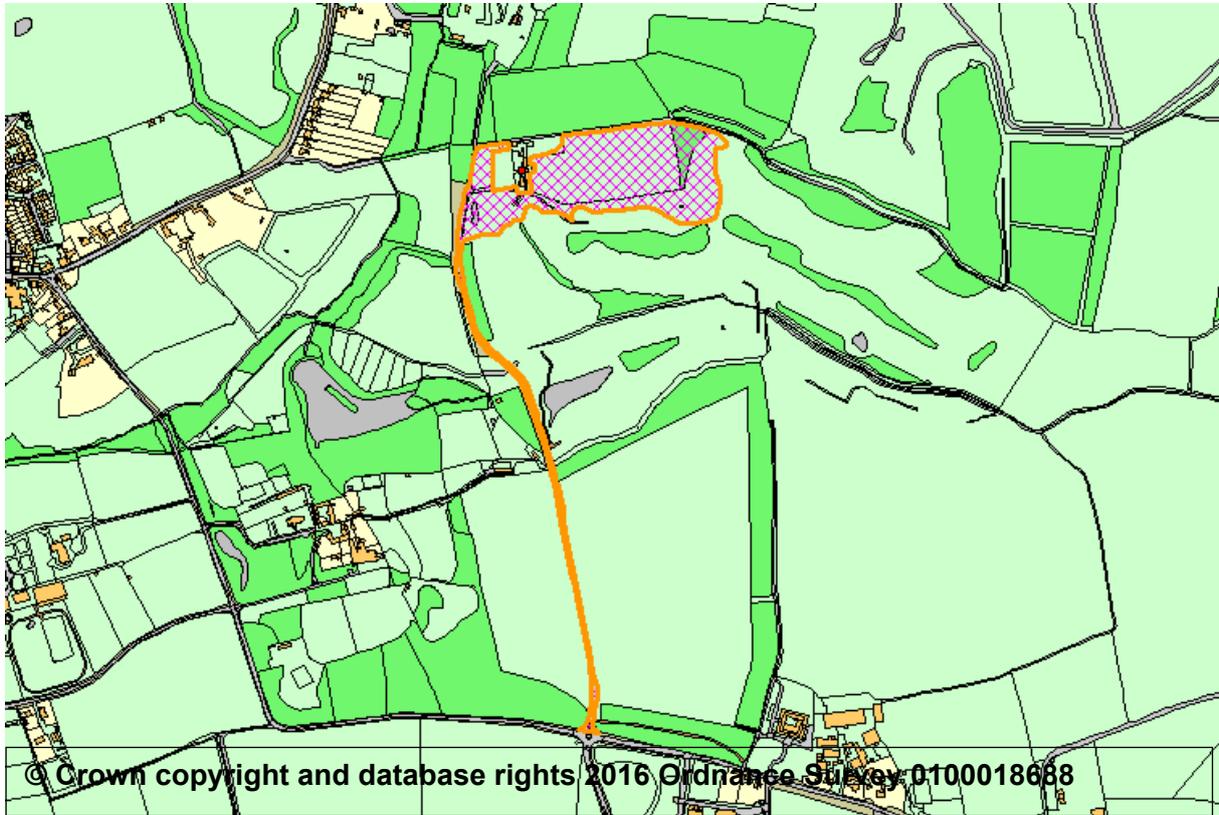
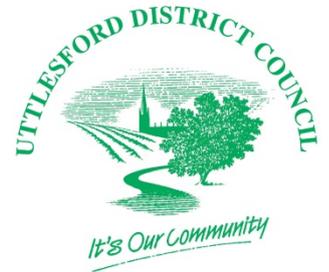
Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of 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.

20. 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

Application: UTT/17/1673/FUL

Address: Elsenham Golf & Leisure, Hall Road, Elsenham



Organisation: Uttlesford District Council

Department: Planning

Date: 8 December 2017