



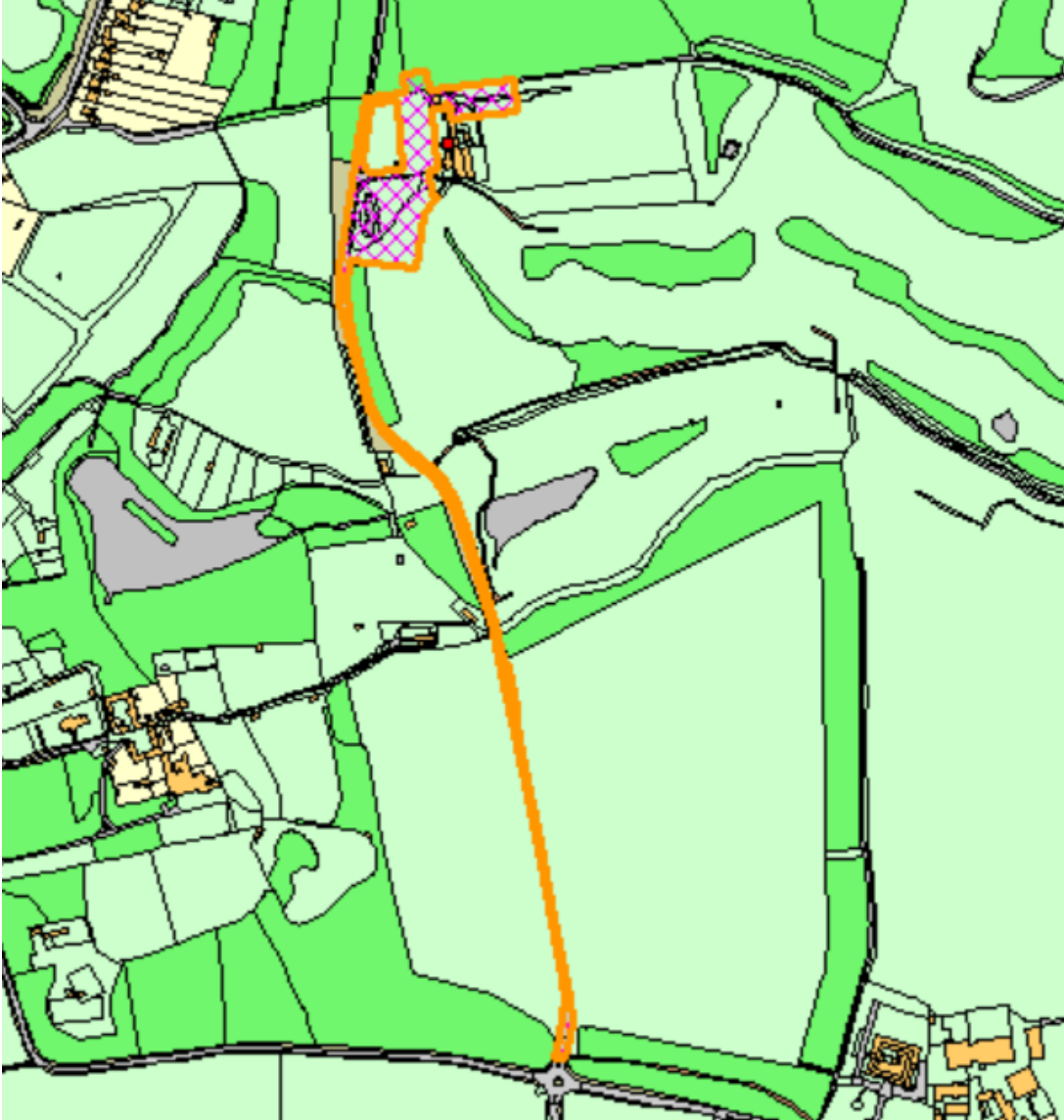
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/0654/FUL

LOCATION: Golf World Stansted Ltd
Hall Road
Elsenham
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 February 2024

PROPOSAL: Erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head

APPLICANT: Golf World Stansted Limited

AGENT: Mr. Rob Gibbs

EXPIRY DATE: 23.06.2023

EOT Expiry Date 12th April 2024

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Within Countryside Protection Zone. 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.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The site is located outside Development Limits within the Countryside Protection Zone, with residential properties, a campsite/farm and historic parkland to the west.
- 1.2** The proposal is for a temporary permission of 5 years, for the erection of a marquee with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head
- 1.3** On the site is an existing golf course with a function room, bar and golf shop, an adventure golf course, golf driving range and car parking.
- 1.4** The proposal is considered to be acceptable subject to conditions.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1** 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 and north west of the clubhouse.
- 3.2** There is a certified caravan club to the northwest of the driving range. To the north and northeast 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. The recently approved adventure golf area has now been completed and open to the public.
- 3.3** The site also has a café/bar, a gymnasium, fitness studio, health and beauty suite, functions suite for weddings etc.

4. PROPOSAL

- 4.1** The application is for the erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head
- 4.2** The main marquee would measure 25 x 35 m and have a height of 7m and eaves height of 3m. The walls would be solid panels and the roof double lined.
- 4.3** A further marquee immediately adjacent to the principal marquee would measure 25m by 10m and would accommodate a servery, male and female toilets and a disabled toilet.
- 4.4** The proposal includes a drop off zone, comprising a layby to the east of the access road, from where a new bridge would provide a direct pedestrian route to the marquee.
- 4.5** The 80 parking spaces will be located to the north east of the existing club house/driving range and a further 20 spaces to the north of the existing car park.
- 4.6** Hard and soft landscaping is proposed at the principal entrance to the marquess as well as its surrounds to soften the development.

- 4.7 The proposed venue seeks planning permission for the following hours of operation:
Monday to Sunday 07.00 to 00.00.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/22/1475/NMA	Non material amendment attached to UTT/16/1066/FUL- reduction in dimensions of water body. Amendment to description of the water body to water storage lagoon.	Approved
SWR/0015/58	Extension of permission for extraction of sand and gravel	Approved with conditions
UTT/0644/94/FUL	Retention of mobile home for security purposes	Approved with conditions.
SWR/0450/71	Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish.	
UTT/0948/12/FUL	External deck to first floor side elevation	Approved with conditions
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
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
UTT/0007/99/FUL	Extension to existing storage building, enclosure of open bays and erection of terrace.	Approved with conditions
UTT/0182/95/FUL	Change of use of agricultural land after sand extraction and landfill to nine hole golf course	Approved with conditions

	and three academy (practice holes)		
UTT/1251/09/FUL	Siting of portacabin for period of 18 months.	Approved conditions	with
UTT/0728/11/FUL	Temporary siting of portacabin for two years.	Approved conditions	with
UTT/0814/03/FUL	Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space	Approved conditions	with
UTT/0041/78	Reinstatement of existing sand and gravel pits to agricultural land.	Approved conditions	with
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 conditions	with
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	Approved conditions	with
UTT/1774/90	Construction of golf driving range with associated parking facilities and alteration to existing access.	Approved conditions	with
UTT/13/2539/FUL	Removal of existing portacabin and link corridor and erection of new single	Approved conditions	with

	storey extension, to create larger gymnasium suite.		
UTT/1400/87	Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course	Approved conditions	with
UTT/14/2973/FUL	Construction of new external bar and 2 no. external toilets, located beneath the existing first floor balcony.	Approved conditions	with
UTT/0187/94/FUL	Temporary stationing of mobile home, erection of machinery store.	Approved conditions	with
UTT/1218/96/FUL	Erection of two storey extension to clubhouse including employees flat.	Approved conditions	with
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, and creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements.	Approved conditions	with
UTT/17/0549/FUL	Amendment to previously approved scheme (UTT/13/2539/FUL) to include two single storey front extensions	Approved conditions	with
UTT/17/1312/FUL	Widening of sections of the access roadway to create a two lane roadway for the length within the applicants control	Approved conditions	with
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	Approved conditions	with

UTT/17/1673/FUL	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	Approved with conditions
UTT/18/2499/FUL	New two-storey golf driving range attached to the existing driving range. Existing range converted to a golf shop. Associated extension to provide additional toilet accommodation.	Approved with conditions

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable subject to the conditions.

8.2 Local Flood Authority

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

8.2.2 Previous advice:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- More information is required regarding the remediation works and the results of the ground quality assessment. This is especially important as the drainage strategy is proposing to infiltrate on an ex-landfill site.
- Infiltration testing is required to confirm the viability of the proposed SuDS features and the current accompanying hydraulic calculations.

- Page 31 (1:100-year storm event) shows that the half drain down time for the pond 'exceeds 7 days. Please provide the half drain down time for a 1:30 year storm event plus 40% climate change.
- Please provide hydraulic modelling for the 1 in 1 year and the 1 in 30-year rainfall events.
- Clarification is required regarding the treatment for the site. This should be shown by the hazard pollution level indices and the mitigation indices that the features used provide. Please see: <https://www.essexdesignguide.co.uk/suds/waterquality/>
- Please can the historic borehole test mentioned in section 4.1.8 be included in the appendices.
- Exceedance routes should be provided.

8.3 Historic England

8.3.1 Not offering advice

8.4 Sport England

8.4.1 The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice including Sport England's Planning for Sport Guidance can however be found on our website Planning for Sport. If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved relevant evidence base document that the local authority has in place. If the proposal involves the provision of a new sports facility, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant sport's National Governing Body, design guidance notes Design Guidance

8.4.2 While Sport England is not in a position to provide a detailed response on this occasion, consideration should be given to the advice provided by the relevant recognised sport's National Governing Body (see list of recognised sport's national governing bodies on Sport England's website Recognised Sports) who are better placed than Sport England to provide informed advice to the Council on facilities involving the more specialist sports (such as golf). In the case of golf the recognised National Governing Body is the England Golf.

8.5 Essex Gardens Trust

8.5.1 This is an application for a large temporary marquee and additional parking at Golf World, Elsenham. The Heritage Statement acknowledges the existence of numerous listed buildings in the area, but overlooks the parkland and landscape at Elsenham Hall

which is included in Essex Gardens Trust's Uttlesford Inventory. In the early 19th century, the road was diverted away from the Hall, and parkland with a lake were created. The park and gardens were later enhanced by the Gilbey family. Their extent is recognisable on Google Earth. Golf World adjoins to the north-east. The application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting

9. Elsenham Parish Council comments

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 Contaminated Land:

In view of this historic use as a landfill, contamination risks that may be present on site must be identified, assessed and where necessary remediated to a suitable standard. Recommends that this secured by condition.

10.1.2 Recommend that the following condition is attached to any planning consent granted for the outline application as proposed:

10.1.3 Environmental Noise:

The noise impact assessment completed by Synergy Architects 18th November 2022 shows that external noise levels 1m from the façade of the marquee would have to be 76dBA in the day and 73dBA at night. The sound mitigation of the structure of the marquee is not yet known, but this is expected to be minimal. 10dB has been assumed in the assessment, which would mean that any events would have to operate at 86 and 83dBA respectively.

10.1.4 Although some events may be able to operate at this level, most events with music or a band would wish to operate at higher levels. It is therefore considered likely that additional mitigation would be required in order to meet our requirements. It is recommended that a noise limiter is installed, but at this point we do not have enough information to recommend a level to set it at and without mitigation it may have to be set unfeasibly low as to make the development unsustainable. Therefore, further detail on what level of noise mitigation will be incorporated into the design is required.

10.1.5 Environmental Noise:

The updated Noise impact Assessment submitted by the applicant shows that noise from the proposed development can be controlled adequately provided that suitable mitigation is installed.

- 10.1.6** Plant Noise:
An assessment of the plant to be installed as part of the development indicates that 3.5 metre acoustic screening of proposed plant area will be required in order for the plant noise to meet our criteria of 5dB below background at the nearest noise sensitive receptor. Therefore, a condition is recommended:
- 10.1.7** Construction/Demolition:
There are residential properties adjacent to this site. A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction. A condition is recommended to protect the amenity of existing residential properties close to the site:
- 10.1.8** This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. A condition is recommended to protect the amenity of existing residential properties close to the site
- 10.1.9** External Lighting:
In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. A condition is therefore recommended to secure this:
- 10.1.10** Air Quality:
NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.
- 10.2 UDC Landscape Officer/Arborist**
- 10.2.1** The proposed development would have limited impact on the setting of the wider historic parkland associated with Elsenham Hall.
- 10.3 Place Services (Conservation and Heritage)**
- 10.3.1** Built Heritage Advice pertaining to erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head.
- 10.3.2** Golf World is located on former agricultural land and a number of Grade II listed buildings are located in the vicinity of the site including the following:
- Pennington Hall (List entry number 1230880) and Dovecote to East of Pennington Hall (List entry number 1230880) - to the north west of the site

- Gardeners Cottage (List entry number 1171192) and Range of Thatched, Timber Framed Outbuildings and Barn to West of Gardeners Cottage (List entry number 1112339) to the west of the site
- Elsenham Place (List entry number 1112337), Dovecot to South West of Elsenham Place (List Entry number 1112338) and Barns to West of Elsenham Place Fronting Road (List entry number 1171188) – to the south west of the site
- Elsenham Hall (List entry number 1112336) – to the south west of the site
- The Grade I listed Church of St Mary the Virgin is also located to the south west.

10.3.3 The early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall have been identified as a historic designed landscape of Essex by the Essex Gardens Trust and thus, may be considered a non-designated heritage asset.

10.3.4 The development site is located on land to the north east of the former park

10.3.5 The proposed marquee and support marquee with associated terrace, access provision and additional car parking will represent a sizeable increase in the built form and quantum of hard landscaping on the Golf World site. However, although the site forms part of the wider rural setting of the listed buildings, there is a high degree of physical separation and limited inter-visibility between the site and the designated heritage assets. Therefore, it makes a very limited contribution to their significance. On this basis, in my opinion, the proposal will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2021)

10.3.6 I do not consider there to be harm to the significance of the designated heritage assets arising from this development in their wider setting. The potential impact of the development on the setting of the non-designated historic designed landscape of Elsenham Hall has not, thus far, been assessed in the Heritage Statement provided with this application. Therefore, I do not feel I have sufficient information to make an informed judgement on this matter. I would recommend an assessment is requested to meet the requirements of Paragraph 194 of the NPPF.

10.3.7 11th July

10.3.8 Further to my initial response dated 13th April 2023, I have reviewed the Heritage Statement Addendum provided regarding the significance of the early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall, which may be considered a non-designated heritage asset. The development site is located on land to the north east of the former park.

On the basis of the information provided, I am satisfied that the proposals will not result in any harm to the significance of the above non-designated heritage asset.

10.4 Place Services (Ecology)

- 10.4.1** Following on from our comments dated 3rd January 2024, we have reviewed the Ecology Response letter from FPCR dated 1st February 2024, relating to the likely impacts of the proposed drainage strategy (see Drainage Layout, drawing no. PC3576-RHD-DE-SW-DR-D0500 Rev P05 (Royal Haskoning DHV, October 2023)) on grassland, woodland and the banks of a ditch, habitats that could be used by protected species such as bats, Great Crested Newt, Otter, reptiles and Water Vole.
- 10.4.2** This area was not covered by The Ecological Appraisal (FPCR, November 2022). We are now satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 10.4.3** The applicant has looked into the Great Crested Newt (GCN) District Level Licensing (DLL) option for the site but has found it is not feasible at this time and they are opting for the traditional licensing route instead. Although the population class size assessment for GCN at the site is considered out of date, recent eDNA surveys have shown GCN are still present. The LPA therefore have enough certainty of impacts and that appropriate mitigation can be provided. The applicant can therefore use licensing Policy 4 in this instance.
- 10.4.4** The submission of a copy of a Natural England mitigation licence for Great Crested Newt should be secured by a condition of any consent. The mitigation measures identified in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and Ecology Response letter from FPCR dated 1st February 2024 should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.
- 10.4.5** We recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the northern and western boundaries and around the existing pond. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023).
- 10.4.6** In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:
- Do not provide excessive lighting. Use only the minimum amount of light needed for safety;
 - All luminaires should lack

UV elements when manufactured. Metal halide, compact fluorescent sources should not be used; • LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability; • A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component; • Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012); • Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards; • Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01; • Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt; • Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow; • Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely

10.4.7 A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced to detail how surrounding retained habitats, including Priority habitats, will be protected during the construction phase of the development. This CEMP: Biodiversity should be secured by a condition of any consent.

10.4.8 We support the proposed reasonable biodiversity enhancements including the enhancement of rough grassland areas, creation of new pond habitat and creation of native scrub habitat, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013. We recommend that submission for approval and implementation of the details should be a condition of any planning consent.

10.4.9 Holding objection 3rd January 2024
Following on from our comments dated 6th November 2023, we have reviewed the additional documents supplied by the applicant in relation to the drainage strategy at the site, including the Drainage Layout, drawing no. PC3576-RHD-DE-SW-DR-D-0500 Rev P05 (Royal Haskoning DHV, October 2023). It is noted that this Drainage Layout plan includes a pumping station linked to a discharge point into a ditch to the

north-west of site. This proposal appears to impact upon additional grassland, woodland and the banks of a ditch, habitats that could be used by protected species such as bats, Great Crested Newt, Otter, reptiles and Water Vole.

- 10.4.10** The Ecological Appraisal (FPCR, November 2022) was written before these designs were produced and did not cover the area to be impacted by the proposed drainage strategy so potential ecological impacts have not been assessed by a suitably qualified ecologist.
- 10.4.11** We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that an addendum addressing the additional potential impacts caused by the proposed pumping station and discharge into an existing ditch is produced by a suitably qualified ecologist.
- 10.4.12** Details of survey results and any necessary additional mitigation & enhancement measures are required to make this proposal acceptable and will need to be provided prior to determination.
To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, Great Crested Newt and Otter, all European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”, “Survey for great crested newts if there’s a pond within 500 metres of the development, even if it only holds water some of the year” and “Survey for otter if distribution and historical records suggest otters may be present; development will affect a water body, river, stream, lake, sea or marshland; development will affect habitat near a water body directly or through environmental effects, such as creating noise or light”.
- 10.4.13** The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 10.4.14** This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

10.4.15 We have reviewed the submitted documents, including the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023), Biodiversity Advice Note (FPCR, October 2023) and Biodiversity Checklist (Synergy Architects Ltd., March 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

10.5 MAG Aerodrome Safeguarding

10.5.1 No objection. The Safeguarding Authority for Stansted Airport has assessed the addendum provided to the existing BHMP for the site. The addendum includes reference back to the original management plan, whilst also setting out specific landscaping and management with regards this development. Along with parameters for the pond and landscaping, it states that – Good site management/housekeeping will ensure that:

1. visitors and staff are prevented from feeding duck/geese that may be present.
2. Regular litter picking is undertaken both routinely and during/immediately following events in public and staff areas.

10.5.2 The applicant has also stated, “Whilst the soft landscaping proposals and external lighting design to the marquee, pond and it’s immediate environment will be the subject of more detailed design and submission for approval (by Condition), the attached Addendum clearly states the parameters these designs will follow to fully manage and restrict any bird population within the vicinity.”

10.5.3 Therefore, we have no objection to this development subject to the following Conditions:

- 10.5.4**
- The aerodrome safeguarding authority for Stansted Airport must be consulted on any further detail design submissions.
Reason: To ensure that the development will not compromise the flight safety of aircraft using Stansted Airport.
 - The existing Bird Hazard Management Plan shall be implemented with the agreed addendum as approved, and shall remain in force for the life of the site. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.
Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.
 - Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

10.5.5 Informatives:

- Given the location of this property, the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order, in particular the following provisions of that Order:
Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:
<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification>

10.6 BAA comments

10.6.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome safeguarding criteria. This is a holding objection.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN

10.6.2 We object to this development pending further information and assurances from the applicant with regard to the management of birds on the site to prevent any increase in numbers of species of birds that are hazardous to aircraft. In more detail:

- The erection of the marquee, associated car parking and drop off areas should not result in an increased attraction for species of birds that are hazardous to aircraft in themselves, however the increase in catering and in human presence in and around the marquee may result in an increased availability of dropped or discarded food waste. Therefore, the applicant must formally commit to good housekeeping including regular litter patrols in order to ensure that no food waste is available as a potential food source for scavenging birds such as Starlings, Feral Pigeons and gulls.

10.6.3 There should be an existing Bird Hazard Management Plan in place for this site; this should be revised to include the new facilities and strengthened in view of the increasing numbers of Canada Geese in contravention of the existing plan. Without this commitment, robust management and routine practice, this site has the potential to pose a significant hazard to aircraft using Stansted Airport.

- 10.6.4** Exact details of the pond regrading, tree thinning and associated landscaping works have not been provided. It is imperative that details are provided so that we can assess the potential habitat for species of birds that are hazardous to aircraft. Opening up of the pond and increasing the human presence near the water will have the potential to substantially increase the attraction of this feature to both ducks and geese.
- 10.6.5** The pond should remain completely enclosed by a goose proof barrier of dense emergent vegetation and/or a goose proof fence, alongside a commitment to preventing any feeding of ducks or geese in addition to the good housekeeping policy to prevent access to dropped or discarded food waste.
- 10.6.6** When we can be satisfied that the applicant understands the need to develop and manage the site in such a way as to not increase the risk of a bird strike to aircraft using Stansted Airport, we will rescind this holding objection and a condition relating to Bird Hazard Management will be necessary.
- 10.6.7** We will also need the following Condition:
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

10.7 Thames Water

10.7.1 No comments

10.8 Essex Gardens Trust

10.8.1 The Heritage Statement acknowledges the existence of numerous listed buildings in the area, but overlooks the parkland and landscape at Elsenham Hall which is included in Essex Gardens Trust's Uttlesford Inventory. In the early 19th century, the road was diverted away from the Hall, and parkland with a lake were created. The park and gardens were later enhanced by the Gilbey family. Their extent is recognisable on Google Earth. Golf World adjoins to the north-east.

10.8.2 The application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting

10.9 England Golf

- 10.9.1** Having reviewed the proposal and accompanying documentation, England Golf have no issues with this application and are supportive of the plans to erect a temporary marquee.
There appears to be no impact on the level of golf provision currently being provided, and it seems as if this will allow Golf World Stanstead to evolve and improve their offer.

11. REPRESENTATIONS

- 11.1** Site notice/s were displayed on site and 54 notifications letters were sent to nearby properties.
- 11.1.2** 2 Objections have been received
- 11.1.3** We are the registered owners of the land (EX911826) to the south-west of the applicant's site with their access road dividing the land. The land has been the home of Daisy Mays Farm since 2014. This is a not-for-profit organisation that keeps and rehomes animals and runs as a smallholding that is open to the public which attracts hundreds of families each week to see the animals, walk through the woodland and fields and enjoy the outdoor environment.
- 11.1.4** The current environment is extremely tough and the farm faces constant financial challenges to keep its animals fed and homed. In order to survive the farm has had to diversify to bring additional income streams in and since 2021 has operated a "wild camping" site in the top field.
This allows families to come and stay at the farm and experience camp in an unspoilt environment. It is peaceful and tranquil, and families relax and enjoy the countryside. At night it is quiet and dark, and they are surrounded by nature. We have deer come through the fields, rabbits in the undergrowth and hawks circling in the sky. This is only achieved because it is peaceful.
- 11.1.5** The income for the farm not only comes from the campers paying for their pitches but also by spending money in the snack shack, buying firewood and BBQs packs, all of this is an essential income to the farm and if lost would have a major impact.
- 11.1.6** The reason for our objection is on the grounds of noise as the proximity of our campsite to the proposed marquee has not been considered at all in the application. The Noise Assessment by Temple Group Ltd and the Design & Access Statement by Synergy Architects makes no mention of the campsite and no approach was made to us during the design process to assess the impact that this proposal may have on us an aerial view shows the location of the proposed marquee and the distance to the nearest pitch (60m). The camp site then extends along the line of the bushes parallel with the marquee and then returns down the line of trees, in total there are 10 pitches for tents with a further 3 pitches for

caravans on the far side of the field. The rest of the top field is used by livestock with sheep, goats and horses grazing. We are concerned that loud noise i.e. music, fireworks will cause them distress.

- 11.1.7** The marquee has a maximum capacity of 600 people, and the operating hours are 07.00 until midnight all week. The music and sounds of the guests, even with attenuation measures will still be significant and be extremely disruptive to people trying to sleep less than 60m away. At night even low levels of noise travel and this will have a major impact. In the morning from 07.00 cleaners, caterers, suppliers will start arriving to clear up from the night before with all the cars and noise that entails.
- 11.1.8** There is also parking proposed for up to 100 cars and if an event finishes at midnight, then all these cars have to leave via the access road which is 30m away from the nearest tents. There will also be coaches parking up waiting for guests with engines running and people talking loudly as they get ready to leave.
- 11.1.9** There will also be light pollution as all the cars and coaches leave and headlights sweep across the field.
- 11.1.10** The whole basis of our campsite is that it is peaceful and that is what our reputation has been built on, we have guests returning regularly to enjoy to peace and quiet. Our reviews show that this is important to them and if there is music and noise until midnight and then cars driving by until possibly 1am with headlights shining our campsite will be extremely adversely affected and impact us financially.
- 11.1.11** Our objection is summarised as follows:
- Music and noise until midnight only 60m away from sleeping campers.
 - Cars and coaches leaving within 30m of sleeping campers until 1am
 - Noise causing distress to livestock
 - Light across the campsite until 1am
 - Suppliers, cleaners etc arriving at 07.00.
- 11.1.12** We have worked extremely hard to build a business that is at the heart of the community and provides a place where children can encounter animals close up and get back to nature.
- 11.1.13** It provides employment to young people, it supports Duke of Edinburgh, provides work experience to Writtle Agricultural College and welcomes school groups.
- 11.1.14** It runs just at breakeven, and each part of the business supports the other. The camping is an integral part of this business and provides essential finance and we are extremely concerned that the location of the marquee will impact on the camping as once there are complaints about noise on the review sites then people will stop booking with us and we will lose this essential income stream upon which we are dependant. It would seem

very unfair if a new venture is given consent that may put an existing one out of business

- 11.1.15** I co-run a family-owned holiday let and glamping business around 350m from the proposed site of the marquee & other facilities outlined in the planning application. We share the concerns of Environmental Health about the noise impact of this proposal. We are also concerned about the scale of planned events which could involve up to 600 people.
- 11.1.16** Many of our guests book our holiday cottages & glamping site because of its rural location and six acres of private nature reserve. Whilst we do have the obvious noise impact of Stansted Airport nearby, the evenings are relatively quiet and we are worried that this could be impacted by events taking place in the marquee.
- 11.1.17** We understand that noise reduction and mitigation measures have been proposed, which is encouraging. However, like Environmental Health, we would need more concise details about exactly what and how effective these will be at ensuring the noise impact will not adversely affect our business.
- 11.1.18** Our current and future income depends heavily on the success of our holiday lets and glamping site, so we need as much reassurance as possible that the noise reduction and mitigation measures will be undertaken extremely effectively. We also need to be confident that any limits on noise will be very strictly adhered to going forward. Until reassurance and further details about the noise mitigation are forthcoming, we have no option but to object to the application as it stands

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area – Delete or keep this paragraph when it is relevant i.e

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made 6th December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2nd February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023)

13.2 Uttlesford District Plan 2005

S7 – The countryside Policy
S8 – countryside Protection zone
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV3 - Open Space and Trees, Policy
ENV14 - Contaminated Land
LC4- Provision of outdoor sport and recreational facilities beyond settlement boundaries

13.3 State name of relevant Neighbourhood Plan in this title

N/A

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Design, scale, impact on neighbours amenity**
 - C) Contamination**
 - D) Biodiversity**
 - E) Highway issues and Parking**
 - F) Flood Risk**
 - G) Impact on heritage assets**

14.3 A) Principle of development

14.3.1 The site is located outside of any development limits as defined within the Local Plan, but within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.

14.3.2 Planning policy LC4 , however states the following developments will be permitted beyond Development Limits.

- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club- houses
- b) suitable recreational after use of mineral workings.

14.3.3 The NPPF, paragraph 97 also supports the provision of social, recreational, and cultural facilities.

14.3.4 Whilst the development would be contrary to the CPZ policies, the existing business has an outside bar area, an adventure golf course and a golf course and driving range. The proposed marquee would be a temporary fixture.

- 14.3.5** Paragraph 84 (c and d) of the NPPF states that planning policies should enable, amongst other things, “ the retention and development of accessible local services and community facilities , such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 14.3.6** The proposed application would significantly intensify the use of the site, however the existing business is facing significant financial pressures. Policy 85 of the NPPF encourages planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt.
- 14.3.7** The existing facility has an events space but its capacity is limited (currently the function room can seat up to 78 guests and 100 for non-seated after parties). There is no scope to expand this space further. Furthermore, the layout and access arrangements of the space make it unfavourable to prospective customers, due to access being through communal areas used by golfers and other facility users, which erodes the sense of exclusivity that prospective customers often look for when booking a venue of this nature.
- 14.3.8** The purpose of the marquee is to facilitate the diversification of the current facilities through expansion of the events space to cater to an identified demand for a facility of this scale in this location. This would ensure that the facility can continue operating and providing its core service, that being a golf facility which provides a community meeting space and promotes healthy and active lifestyles in accordance with Paragraph 96 of the NPPF, whilst also catering to demonstrable local demand for a large events venue.
- 14.3.9** A further benefit of the scheme would also be in the provision of employment and to aid local suppliers and function/wedding-oriented businesses, contributing to the vitality of the local community and ensuring the ongoing operation of the principal golf function of the site.
- 14.3.10** The proposal, however, has the potential to impact on neighbouring properties and businesses by way of noise, traffic and light pollution, this can be controlled by suitably worded conditions, see below. It should be noted, however that the site is close to Stansted airport and therefore already is blighted by the noise from aircraft.
- 14.3.11** It is considered that more weight should be given to policy LC4 as the scheme would support the continued provision of the outdoor sports and recreational facilities. Golf clubs are seasonal, and the marquee would offer a greater range of facilities to sustain the existence of the golf club. The proposed new development would allow the business to be more competitive with other sites and would be a good community facility. The proposal is on balance considered to be acceptable in principle

14.4 B) Design, scale, impact on neighbours amenity

- 14.4.1** Policy GEN2 sets out the design criteria for new development. In addition, Section 12 of the NPPF sets out the national policy for achieving well designed places and the need to achieve good design
- 14.4.2** Policy GEN4 of the Adopted Local Plan states that development and uses, whether they involve the installation of plant or machinery, will not be permitted where:
- a) Noise or vibrations generated, or
 - b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;
- Would cause material disturbance or nuisance to occupiers of surrounding properties.
- 14.4.3** Policy GEN5 states that development that includes a lighting scheme will not be permitted unless:
- A) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and
 - B) Glare and light spillage from the site is minimised.
- These criteria can be achieved by appropriate conditions.
- 14.4.4** The site is close to residential properties and a camping site/farm.
- 14.4.5** The development has the potential to impact on neighbours, occupiers of surrounding properties by way of noise, smells, light, vibrations (during use and construction) and accordingly Environmental Health Officers have been consulted.
Subject to conditions, they have no objection to the proposal.
- 14.4.6** They have stated that the updated Noise Impact Assessment submitted shows that noise from the proposed development can be controlled adequately provided that suitable mitigation is installed. Any approval should include a condition to ensure the mitigation is installed as specified within the Noise Impact Assessment submitted with the application [Temple, 30th May 2023]
- 14.4.7** The development is considered to be sited sufficiently distant from any residential property to avoid any material adverse effect on residential amenity and the nearby farm/campsite. It is not considered that the intensification of the site would result in unacceptable traffic or noise issues over and above to that that already exists at the site, subject to compliance with suitably worded conditions.
- 14.4.8** The proposed materials and design of the proposed development reflect the advice in response to pre- application advice UTT/21/3590/PA

- 14.4.9** The marquees height is lower than the neighbouring clubhouse and would have a limited visual impact due to the landscaping screening proposed. The unit will have level access.
- 14.4.10** This development has the potential to cause noise and dust impacts on the existing surrounding properties.
- 14.4.11** In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on neighbours from obtrusive or spillover light, or glare.
- 14.4.12** Following pre-application advice, the proposed additional car parking has been relocated to the north of the existing clubhouse, meaning that the tree cover previously proposed to be removed is now retained, which means that the site is significantly screened to the west.
- 14.4.13** The site is located close to Stansted airport and therefore the proposal has the potential to conflict with aerodrome safeguarding criteria. The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and have no objections subject to conditions in respect of design details.
- 14.4.14** Subject to conditions the design and scale of the proposal is considered to be acceptable.

14.5 C) Contamination

- 14.5.1** The site is located on previously filled land and disturbance by the proposal may cause harm to relevant receptors, including human health and the ecological environment.
- 14.5.2** Environmental Health officers have been consulted and they advise a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination and if shown to be necessary , a Phase 2 Site Investigation This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building/use is occupied.
The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.
- 14.5.3** Subject to conditions, the proposal would comply with ULP policies GEN2, ENV12 and ENV14

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 14.6.2** The application site is located within 100m of Local wildlife Site – Pennington Hall Meadows and Elsenham Hall fields
- 14.6.3** The applicant has submitted a ecological appraisal , a biodiversity checklist and a Great Crested Newt mitigation report.
- 14.6.4** Although the population class size assessment for GCN at the site is considered out of date, recent eDNA surveys have shown GCN are still present.
The applicant can therefore use licensing Policy 4 in this instance. The submission of a copy of a Natural England mitigation licence for Great Crested Newt should be secured by a condition of any consent.
- 14.6.5** The mitigation measures identified in the Ecological Appraisal (FPCR, November 2022) and Great Crested Newt – Mitigation Requirements (FPCR, July 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality
- 14.6.6** Biodiversity enhancements including the enhancement of rough grassland areas, creation of new pond habitat and creation of native scrub habitat are proposed.
- 14.6.7** The site is located within 1.8km of the end of the approaches of Stansted runway and therefore the proposal could conflict with safeguarding criteria especially in respect of bird strike. This can be controlled by a suitable worded condition
- 14.6.8** It is not considered, subject to conditions, that the proposal would have any material detrimental impact in respect of protected species, and complies with policy GEN7

14.7 E) Highway issues and Parking

- 14.7.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

14.7.2 The proposal would create an additional 100 spaces beyond those already on site. They will be located to the north of the existing clubhouse on land previously used for a caravan park. The area is screened by existing trees.

14.7.3 A Transport Statement has been submitted with the application. An estimated 94 arrival trips are estimated during full attendance peak hours at the site. Where impact is expected, both at construction or operational stage, then mitigation measures should be put in place. At Section 6 of the submitted Transport Statement, a number of mitigation measures are proposed, with full details to be secured via a suitably worded condition. These comprise: a travel plan Carpark Management Strategy and a Construction Logistics Plan.

14.7.4 The proposal would result in significant additional traffic movements on the existing access road which is shared with Elsenham quarry site and a residential property to the west. There is also a public footpath that passes along the northern side of the site and bridle ways to the south of the site. The Highways Authority at Essex County Council has been consulted and raises no objections. Adequate parking provision for the additional use would be provided. The proposal would comply with ULP policies GEN1 and GEN8

14.8 F) Flood Risk

14.8.1 The site is located within flood zone 1 which Planning Practice Guidance states that in this zone developers should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems.

The Council SUDs team have been consulted and have raised no objections. Therefore this application is unlikely to have an effect on drainage in the area and would comply with the aims of ULP policy GEN3

14.9 G) Impact on Heritage Assets (ULP Policy ENV2)

14.9.1 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under Paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.

14.9.2 Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.

- 14.9.3** Golf World is located on former agricultural land and a number of Grade II listed buildings are located in the vicinity of the site including the following:
- Pennington Hall (List entry number 1230880) and Dovecote to East of Pennington Hall (List entry number 1230880) - to the north west of the site
 - Gardeners Cottage (List entry number 1171192) and Range of Thatched, Timber Framed Outbuildings and Barn to West of Gardeners Cottage (List entry number 1112339)
 - – to the west of the site
 - Elsenham Place (List entry number 1112337), Dovecot to South West of Elsenham Place (List entry number 1112338) and Barns to West of Elsenham Place Fronting Road (List entry number 1171188) – to the south west of the site
 - Elsenham Hall (List entry number 1112336) – to the south west of the site
 - The Grade I listed Church of St Mary the Virgin is also located to the south west
- 14.9.4** The early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall have been identified as a historic designed landscape of Essex by the Essex Gardens Trust and thus may be considered a non-designated heritage asset. The development site is located on land to the north east of the former park.
- 14.9.5** The proposed marquee and support marquee with associated terrace, access provision and additional car parking will represent a sizeable increase in the built form and quantum of hard landscaping on the Golf World site. However, although the site forms part of the wider rural setting of the listed buildings, there is a high degree of physical separation and limited inter-visibility between the site and the designated heritage assets. Therefore, it makes a very limited contribution to their significance
- 14.9.6** Specialist conservation officers opinion is that the proposal will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2021) they do not consider there to be harm to the significance of the designated heritage assets arising from this development in their wider setting.
- 14.9.7** Essex Gardens Trust have raised concerns that the application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting. New trees are proposed to the south and west of the marquee and hedging to the east.

14.9.8 The proposal would comply with the aims of ULP Policy ENV2

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 Recommendation: Conditional Approval

17. 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 The marquee use hereby permitted shall be discontinued and the marquee removed on or before five years from the date of this permission

REASON: The application is for a temporary period only. The temporary permission is considered necessary due to the materials of the proposed building hereby permitted, which are considered unsuitable for permanent permission in accordance with ULP policy GEN2

- 3 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR, November 2022) and Great Crested Newt Mitigation Requirements (FPCR, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 4 Prior to commencement action required: submission of a copy of Natural England mitigation licence for great crested newt
Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and in accordance with Uttlesford Local Plan Policy GEN7

- 5 Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal

(FPCR, November 2022), and shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 6 The public's rights and ease of passage over public footpath number 39 (Henham 25) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan Policy GEN1

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. vehicle routing,
- b. the parking of vehicles of site operatives and visitors,
- c. loading and unloading of plant and materials,
- d. storage of plant and materials used in constructing the development,
- e. 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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Uttlesford Local Plan Policy GEN1

- 8 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of

the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.58 l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including ownership boundaries.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40/% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Due to the sites historic use for landfill, where landfill strata or made ground is present, the SuDS features must be lined with an impermeable membrane. Please state this within the FRA and illustrate this within the engineering drawings.
- Detailed engineering drawings of each component of the drainage scheme.
- Review, and provide an explanation for, the surcharging in the system for a 1-year storm event.
- A final drainage plan which details exceedance and conveyance routes, FFL's and ground levels, and location and sizing of any drainage features.
- Ensure all CL's and IL's shown on the drainage plan match the modelling.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with Uttlesford Local Plan Policy ENV12

9

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The

scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed, including reference to the landfill strata in accordance with Uttlesford Local Plan Policy ENV12

- 10 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Uttlesford Local Plan Policy ENV12

- 11 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Uttlesford Local Plan Policy ENV12

- 12 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and Ecology Response letter from FPCR dated 1st February 2024 as already submitted with the planning application and agreed in principle

with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 13 Prior to commencement action required: submission of a copy of Natural England mitigation licence for great crested newt “Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan Policy GEN7

- 14 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection measures of surrounding Priority habitats. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 15 Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (FPCR, November 2022), and shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant); d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 16 Prior to beneficial use, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 17 No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with Uttlesford Local Plan Policy ENV14

- 18 No development shall commence on site until a scheme for protecting the occupants of the nearest residential properties from noise from music noise emanating from the proposed development has been submitted to and been approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the proposed development is first used or occupied and the approved measures shall thereafter be retained in effective working order.

REASON: These details are required due to insufficient information being contained within this submission and in order to safeguard the amenity of occupant in accordance with Uttlesford Local Plan Policies GEN2 and GEN4

- 19 The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive facade (habitable window of a dwelling) shall not exceed the pre-

existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area

Generally in accordance with Uttlesford Local Plan Policies GEN2 and GEN4

20

Construction/Demolition Management Plan

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by
- b. licensed waste contractors
- c. No dust emissions should leave the boundary of the site
- d. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- e. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005)

21

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

22

The aerodrome safeguarding authority for Stansted Airport must be consulted on any further detail design submissions.

REASON: To ensure that the development will not compromise the flight safety of aircraft using Stansted Airport.

23

The existing Bird Hazard Management Plan shall be implemented with the agreed addendum as approved, and shall remain in force for the life of the site. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted

Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN . In accordance with Uttlesford Local Plan Policy GEN2

- 24 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport . In accordance with Uttlesford Local Plan Policy GEN2

- 25 Contamination
No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

- 26 The marquee soundproof linings, directional speakers and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Impact Assessment submitted with the application [Temple, 30th May 2023].

REASON: In order to protect the amenity nearby receptors in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

27 The specific sound level of the plant/equipment hereby approved, (LA_{eq},TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise sensitive facade shall be at least 10dB below the pre-existing background sound level, LA₉₀,T when all plant/equipment (or any part of it) is in operation. The rating level, LA_r,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noisesensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA₉₀,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area generally. In accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

28 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.
The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

29 **Construction/Demolition Management Plan**
The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b. No dust emissions should leave the boundary of the site
- c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005)

30 Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by

the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).