**ASHFORD BOROUGH COUNCIL**

**GRANT OF PLANNING PERMISSION**

Local Authority BUILDING CONTROL

**IMPORTANT NOTES**

Notification of permission under the Planning Acts does **NOT** convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.

2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.

3. If the development involves any demolition work, notice of this is required under the Building Act 1984.

ADVICE ON EACH OF THE ABOVE IS AVAILABLE FROM THE BUILDING CONTROL SECTION – CONTACT 01233 330282 OR ALTERNATIVELY EMAIL building.control@ashford.gov.uk

4. Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;

   a) adequate means of access for the Fire Brigade to the building or buildings as extended and;

   b) that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

ADVICE ON THIS MATTER IS AVAILABLE FROM THE FIRE PREVENTION OFFICER, ASHFORD FIRE STATION, HENWOOD, ASHFORD, KENT TN24 8YF

# ASHFORD BOROUGH COUNCIL

## GRANT OF PLANNING PERMISSION WITH CONDITIONS

ASHFORD
BOROUGH COUNCIL

**Notes for the Applicant**

***Appeals***

1. If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. **Any appeal must be made within 6 months of the date of decision**. The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website: www.planning-inspectorate.gov.uk/pins/index.htm

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

***Beneficial Use***

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

***Discharging of Conditions***

3. Some conditions attached to the grant of permission may require you to submit details and/or information before you start work.

4. From 6th April 2008, a national charge was set by Government to discharge conditions. The charges are as follows:

Where the request relates to a permission relating to an enlargement, improvement or other alteration of existing dwelling houses or the erection of a building within the curtilage of an existing dwelling house for purposes ancillary to the enjoyment of the dwelling house the fee will be **£28** per submission. Where the request relates to permission for development which falls within any other category the fee will be **£97** per submission. ***Together with the fee, you are also required to complete an application form for this process. The forms are available on our website.***

Please note that we aim to deal with these requests within 8 weeks.

# NOTIFICATION OF DECISION
# OF THE LOCAL PLANNING AUTHORITY

**Date of Decision** **24 October 2014**

ASHFORD
BOROUGH COUNCIL
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
(01233) 331111
Typetalk (01233) 330744
www.ashford.gov.uk
DX 151140 Ashford (Kent) 7

Project Office
Ashford Borough Council
Civic Centre
Tannery Lane
TN23 1PL

**Town and Country Planning Act 1990 (as amended)**
**Application for Full Planning Permission**

| | |
|---|---|
| **APPLICATION NO:** | **12/01244/AS** |
| **PROPOSAL:** | **Works to provide early access to Conningbrook Lakes, comprising temporary access road from Julie Rose Stadium, parking, storage containers,slipway, floating pontoons, together with lifebelts, signage and parking control plus change of use of land to use as a country park - AMENDED PLANS** |
| **LOCATION:** | **Conningbrook, Willesborough Road, Kennington, Kent** |
| **APPLICANT:** | **Ashford Borough Council Cultural & Project Services Manager Civic Centre Tannery Lane Ashford TN23 1PL** |

**DECISION: PLANNING PERMISSION IS GRANTED in accordance with the application and plans**

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of 5 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 areas shown on the approved plans for parking areas shown on the drawing numbers CEA/005 rev B, CEA/006 rev A, CEA/007 rev B, as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that

Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

3 Prior to the commencement of development, details of facilities by which vehicles would have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

**Reason:** To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

4 Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the amenity of the area.

5 A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within the first available planting season after approvals of the landscaping details. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

**Reason:** In order to protect and enhance the amenity of the area.

6 Prior to the commencement of the development hereby approved an Ecological Management Plan in accordance with the details set out in the Bioscan Ecological Management Strategy (Bioscan Report Ref: E1353R5fv) and Bioscan Ecology and Nature Conservation Report shall be submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of ensures that the development mitigates any impact on protected species

7 No trees shall be cut down and/or removed from the site during the bird breeding season.

**Reason:** To protect the existing population of protected species and maintain and enhance their habitat on the site in the future

8 Prior to the installation of any external lighting including street lighting and building lighting details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing. The details shall include:

- Precise details of the fixtures
- Location
- Hours of operation
- Lighting controls

**Reason:** In the interests of the visual amenity of the development and to ensure that the development accords with the Environmental Statement which states that mitigation is required to ensure that local sensitive residential receptors, users of the local road, footpath and railway lines and Conningbrook Grade II Listed Building are protected

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reasons:** The site is located the Folkestone Formation which is designated a principal aquifer and to ensure compliance with the NPPF.

10 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To protect the underlying principal aquifer

11 No storage of materials shall take place outside the area specified for that use on the approved plan CEA/006 rev A. The height of any storage within that area shall not exceed 2 metres above ground level.

**Reason:** To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

12 Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

**Reason:** To prevent pollution of the water environment.

13 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.

**Reason:** In order to protect and enhance the amenity of the area.

14 Prior to the on-site construction or installation of any buildings (shelter and storage containers) hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

**Reason:** In the interests of visual amenity.

15 The parking facilities existing and proposed, which are shown on the approved drawings to serve this development shall remain free of mandatory parking charges unless otherwise agreed in writing by the Local Planning Authority in writing.

**Reason:** In the interests of ensuring that the proposals do not result in parking in nearby residential roads.

16 No powered boats or vessels including jet-skis shall be used on any of the lakes within the application site other than safety boats for safety purposes or other boats or vessels the nature of which and purpose for which they are used is approved in writing by the Local Planning Authority prior to their use on the lakes.

**Reason:** In the interests of the residential amenity of the country park and wider locality.

16 No entertainment, leisure or recreational events or other events involving sports whether based on water or otherwise shall take place outside the hours of 8 am to midnight (including the clearing of the Country Park Area of all visitors and/or competitors but not including any security staff).

**Reason:** In the interests of the residential amenity of the country park and wider locality

Notes to Applicant

This grant of planning permission does not give any legal right to carry out the development on over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission.

1 Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- Following the initial consultation period the applicant/ agent responded by submitting amended plans and an Environmental Statement Summary, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2 The applicant's attention is drawn to the provision of Wildlife and Countryside Act 1981.

3 Under the Environmental Permitting (England and Wales) Regulations 2010, a person must not carry out a water discharge activity or groundwater activity unless it is -

a. authorised by an environmental permit; or
b. registered as an exempt facility

Therefore in accordance with these regulations, if it is proposed to make a discharge of sewage effluent to surface water (this includes rivers, streams, estuaries and the sea), or to groundwater (i.e. via an infiltration system), then you may need to apply for an environmental permit to make that discharge. Such approval may be withheld.

4 If it is proposed to discharge sewage effluent to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, the applicant might be eligible for an exemption rather than a permit.

5 Foul drainage in non mains areas should be carried out in accordance with the Agency's Pollution Prevention Guidelines (PPG) No4. This and other PPG's are also available on http://www.environment-agency.gov.uk/business/ or http://www.netregs.gov.uk

6 The Permitting Support Centre should be contacted for further details in relation to non mains proposals, PO Box 4209, Sheffield, S9 9BS Tel: 03708 506 506

7 The foul sewage of the main development will be connected to the main sewage network. Please confirm that the septic tank will be a temporary feature.

8 The application also indicates that the surface water will be disposed of by soakaways. The Flood Risk assessment indicates a shallow groundwater within the area.

9 The following points should be noted wherever soakaways are proposed at a site:

Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.

No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

10 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

11 The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

12 The Great Stour lies to the east of the site and is a designated ‘main river’ and under the Environment Agency’s jurisdiction for the purpose of its land drainage function. Written consent (known as Flood Defence Consent) is required from us under the Water Resources Act 1991 and associated byelaws prior to the carrying out of any works in, over, or under the channel of the watercourse or on the banks within eight metres of the top of the bank, or within eight metres of the landward toe of any flood defence, where one exists.

13 For maintenance reasons the Environment Agency will not normally consent works which obstruct the eight metre byelaw margin. Application for consent should be made to the Flood and Coastal Risk Management department (Partnerships and Strategic Overview team; Tel: 01732 223174).

14 Part of the site appears to be located within the River Stour Internal Drainage District, where any watercourse would be classed as an ‘ordinary watercourse’ and comes under the terms of the Land Drainage Act 1991, whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires the consent of the River Stour Internal Drainage Board, under the Land Drainage Act 1991. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the River Stour Internal Drainage Board (Tel: 01227 462 377; enquiries@riverstouridb.org.uk).

15 The planning application indicates that septic tanks will be used during the preliminary work. Please note that the Flood Risk Assessment indicates that the groundwater at the site ranged from 0.90 meters below the top of casing (mb TOC) to 4.87 mb TOC.

16 A permit may be required to use a septic tank at this location and permission may be subject to an assessment. Any potential discharge should be as shallow as possible to avoid direct discharge to groundwater. If the technical assessment finds that the septic tank discharge will involve a direct discharge to groundwater, an application for an Environmental Permit may be refused. Therefore it is important that the discharge point is kept as shallow as possible, in an area with as deep a groundwater level as possible.

17 Condition 17 does not exclude general public access for personal/individual recreational activities such as walking, running, cycling etc.

Plans/Documents approved by this decision

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|---|---|
| CEA 001 | Site Location Plan received 5 December 2013 |
| CEA 002 B | Site and ownership received 5 December 2013 |
| CEA 003 A | Change of Use land received 5 December 2013 |
| CEA 004 C | Overall Works received 5 December 2013 |
| CEA 005 B | Entrance area Signs received 5 December 2013 |
| CEA 006 A | Area 2 General Arrangement (West) received 5 December 2013 |
| CEA 007 B | Works Sheet 3 received 26 March 2014 |
| CEA 013 B | Storage Containers General Arrangement received 5 December 2013 |
| CEA 106 | Area 2 General Arrangement (East) received 5 December 2013 |
| CEA 107 | Temporary Access Road Areas 1 & 2 received 5 December 2013 |
| CEA 108 | Temporary Access Road Areas 3 & 4 received 5 December 2013 |
| CEA 109 A | Works Sheet 4 received 26 March 2014 |
| CEA 110 | Pontoons at Launch Site received 5 December 2013 |
| CEA 111 | handrails at Launch Site received 5 December 2013 |
| CEA 112 | Shelter received 5 December 2013 |
| CEA 113 | Pontoons at Land Spit received 5 December 2013 |
| CEA 115 | Signs 1 Julie Rose Stadium Area received 5 December 2013 |
| CEA 116 | Signs 2 Within Country Park received 5 December 2013 |
| CEA 117 A | Storage Containers Site Sections received 26 March 2014 |
| CEA 118 A | Storage Containers Cladding Details received 26 March 2014 |
| CEA/119 A | STORAGE CONTAINERS - CLADDING DETAILS received 26 March 2014 |
| CEA 120 | Culvert 1 Detail Sheet 1 received 5 December 2013 |
| CEA 121 | Culvert 1 Detail Sheet 2 received 5 December 2013 |
| CEA 122 | Culvert 2 Detail received 5 December 2013 |
| CEA 008 | Sheet 4 received 5 December 2013 |
| CEA 009 | Slipway received 5 December 2013 |
| CEA 010 | Pontoon Bridge received 5 December 2013 |
| CEA 011 | Office and Workshop Plans received 5 December 2013 |
| CEA012 | Office and Workshop Elevations received 5 December 2013 |

Any variation from the details of this permission could lead to enforcement action being taken by the Council with losses and delays to the project.

Strategic Sites and Design Manager

*Please refer to the statement of the Applicants rights following this decision and the general information enclosed with this notice.*