



Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mrs B Tezel,
Parker Dann
Suite S10, The Waterside Centre
North Street
Lewes
E Sussex
BN7 2PE

My Ref: MA/11/1948

Date: 6th September 2012

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England)
Order 2010

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/11/1948

DATE RECEIVED: 9 December 2011 DATE VALID: 9 December 2011

APPLICANT: Mr & Mrs Harrison, Monk Lakes Ltd

PROPOSAL: Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.

LOCATION: MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE, KENT, TN12 9BU

GRID REF: 576843, 147671

This permission is **SUBJECT** to the following conditions:

1. The development hereby permitted, including the re-grading of the embankments and the implementation of the submitted planting and management scheme, shall be implemented strictly in accordance with the approved plans.

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Reason: The completion of the scheme in accordance with the consent is in the interests of the character and amenity of the countryside and the residential amenity of neighbours, in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

2. The development hereby permitted, including re-profiling of ground levels and re-grading of the embankments, shall be implemented in accordance with approved Method Statement received on 10/11/11.

Reason: The completion of the scheme in accordance with the consent is in the interests of the character and amenity of the countryside and the residential amenity of neighbours, in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

3. The importation of material to achieve the ground profiles hereby approved shall be carried out in accordance with the approved Method Statement received on 10/11/11

Reason: To ensure the protection of the residential amenity of neighbours in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

4. Prior to the importation of any material a fully detailed landscape plan, including planting consistent with the requirements of the Reservoirs Act the reduction in the prevalence of weeping willow, fencing and the protection of existing landscape features, shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to protect the nearby residents from loss of privacy associated with the permitted use of land, in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000).

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out prior to the use starting on any of lakes 1, 2 and 3 or in the first available planting season after the completion of lakes 1, 2 and 3, whichever is the sooner; and any trees or 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

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with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000).

6. The landscaping shall be maintained according to the approved landscaping management plan, boundary treatment plan and River Beult enhancement plan received on 10/11/11.

Reason: To ensure a satisfactory appearance to the development and to protect the nearby residents from loss of privacy associated with the permitted use of land, in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000).

7. All vehicular access for the importation of material, vehicles for the re-profiling of the lakes and the embankments and the implementation of the planting proposals, will use the spur off the existing, access directly off the A229 (Staplehurst Road), as annotated on drawing number PDA-MON-103.

Reason: To protect the amenities of adjoining residents in accordance with policies ENV28 and T13 of the Maidstone Borough-Wide Local Plan (2000).

8. The development of the clubhouse shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England)

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Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies ENV28 and T13 of the Maidstone Borough-Wide Local Plan (2000)..

10. The development hereby permitted shall be used for recreational angling and purposes ancillary only.

Reason: An unrestricted use could cause harm to the residential amenity of neighbours and the character and amenity of the countryside, contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan (2000).

11. There will be no angling between the hours of 22:00 and 07:00 (night time) in the areas marked on the layout plan PDA-MON-103.

Reason: To protect the nearby residents from loss of privacy associated with the permitted use of land, in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000).

12. There will be no parking on the lakeside in the areas around lakes 1, 2 and 3 as marked on the layout plan PDA-MON-103.

Reason: To protect the nearby residents from loss of privacy and potential disturbance associated with the permitted use of land, in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000).

13. All access will be via the existing consented access directly from the A229. There shall be no vehicular or pedestrian access to the site shall from Hertsfield Lane, and the boundary fencing shown on plan D118024-101-1004P2 shall be implemented prior to the commencement of the use of lakes 1, 2 and 3.

Reason: To protect the amenities of adjoining residents in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

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14. There will be no overnight accommodation within the clubhouse and no persons shall sleep in the clubhouse at any time.

Reason: To prevent danger to human life in the event of a flood and to prevent inappropriate residential accommodation in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and guidance contained within the National Planning Policy Framework (2012).

15. The clubhouse hereby approved will be for purposes ancillary to the use of the site for recreational angling and for no other purpose.

Reason: An unrestricted use could potentially cause harm to the residential amenity of neighbours and the character and amenity of the countryside, contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

16. No lighting shall be installed on the site without prior written consent from the Local Planning Authority.

Reason: To protect the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

17. Prior to the importation of soil from any individual source details shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be completed in accordance with the approved details.

Reason: To prevent pollution of the environment in accordance with guidance contained within the National Planning Policy Framework (2012).

18. The proposed imported material shall be used in the construction of lake 1.

Reason: To prevent unnecessary movement of material within the site and to safeguard the level of amenity enjoyed by nearby residents in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

19. Prior to the importation of any material full details of the proposed drainage facilities to ensure that the surface water for the site is fully contained within the site are submitted to and approved in writing by the Local Planning Authority and the scheme shall be completed in accordance with the approved

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details.

Reason: In the interests of residential amenity in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

20. Surface water run-off during the construction phase shall be directed to Puma Lake and/or the proposed temporary settling pond.

Reason: To ensure sediment does not flow into the River Beult SSSI in accordance with guidance contained in the National Planning Policy Framework (2012).

21. All surplus water from the new lakes shall be directed to Puma Lake.

Reason: To ensure sediment does not flow into the River Beult SSSI in accordance with guidance contained in the National Planning Policy Framework (2012).

22. Prior to the stocking of lakes 1, 2 and 3 full details of the fish to be stocked in the lakes including species and whether capable of breeding, and full details of a catch fence to prevent fish from entering the river system shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be put in place prior to the use of the lakes and maintained thereafter;

Reason: To prevent damage to the River Beult SSSI as a consequence of a flood event in accordance with policy NRM5 of the South East Plan (2009) and guidance contained in the National Planning Policy Framework (2012).

23. Foul water shall be passed through a Klargestor system, which is to discharge to Puma Lake unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent damage to the River Beult SSSI in accordance with policy NRM5 of the South East Plan (2009) and guidance contained in the National Planning Policy Framework (2012).

24. Prior to the importation of any material full details of proposed groundwater controls shall be submitted to and approved in writing by the Local Planning

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Authority and the scheme shall be completed in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy ENV28 of the Maidstone Borough- Wide Local Plan (2000)

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard Code of Practice BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

The applicant is advised to contact the Environment Agency with regard to proposals for groundwater controls.

This application has been considered in relation to the following policies:

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Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13

South East Plan 2009: CC1, CC6, NRM4, NRM5, C4, TSR2, T4

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Signed

R. LL. Jarman

Rob Jarman
Head of Planning

Date *6th September 2012*

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**THIS IS NOT A BUILDING REGULATION APPROVAL**

It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations, where required, and any other necessary approvals, have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

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