

APPENDIX

Draft s106 heads of terms:-

- A sum of £120,000 towards the redevelopment St Faiths Hall in Ringlestone. The applicants have stated that they understand that this amount would be used in conjunction with other section 106 monies that have been raised from other developments in the same area to complete the funds necessary to move the scheme forward.
- The transfer to the Council of the green space located in front of Springfield Mansion to be used as a landscape/ecology area. The sum for undertaking the initial landscape works comes to £51,000 and then a commuted maintenance sum over a period of 7 years is proposed which totals £49,000 bringing it to £100,000 in total.
- A sum of £80,000 towards improvements proposed in the Town Centre.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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 development shall not commence until details and samples of materials to be used in the construction of the external surfaces of the building hereby permitted, details and samples of these external surfaces have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

3. The development shall not commence until details of any external lighting, have been submitted to and approved in writing by the Local Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building. This information shall include a layout plan with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles). This scheme shall include a schedule of proposed hours of use for the different components of the submitted light scheme. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

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4. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority.

- i) The surface water drainage details shall be in accordance with the approved Drainage Strategy Report by MEINHART (Dated November 2013) and be based on sustainable drainage principles where possible, and include an assessment of the hydrological and hydro geological context of the development.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To reduce the impact of flooding on the proposed development and future site users/operatives and to protect vulnerable groundwater resources.

5. The development shall not commence until, details of the proposed slab levels of the building and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason To ensure a satisfactory external appearance to the development taking into account the topography of the site.

6. The development shall not commence until details relating to on-site renewable energy generation have been submitted and approved by the Local Planning Authority. These details shall demonstrate that at least 10% of the site's energy consumption will be derived from on-site renewable energy sources. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a sustainable and energy efficient form of development.

7. The development shall not commence until the developer has developed a low emission strategy detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the air pollution emissions of the development during construction and when in occupation. The report should be submitted to and approved by the local planning authority, prior to development commencing.

Reason: In the interests of pollution prevention and the amenities of nearby residents.

8. The development shall not commence until a Construction Environmental Management Plan has been submitted to and approved by the local planning authority. The plans shall include inter-alia;

- i) The safeguarding of access to Springfield House and the existing residential properties,

- ii) The removal of parking on the exit out onto the Springfield Roundabout on the A229.

The development shall be undertaken in accordance with the subsequently approved plan, and all highway and transport construction work for the access to the public highway shall be completed before commencement of trading.

Reason: In the interests of highway and pedestrian safety.

9. The development shall not commence until details of a scheme of ecological mitigation and enhancement measures have been submitted to and approved by the local planning authority. The plan shall be based on the recommendations in the ecological habitat surveys and individual species report submitted with the application

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

10. Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect vulnerable groundwater resources.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation

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shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect vulnerable groundwater resources.

12. 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.

~~Reason: To protect groundwater resources.~~

13. The proposed open space area shown on drawing nos 7119_P101-1 and 1378-01revD shall be provided within 6 months of the commencement of the development and maintained thereafter.

Reason: In the interests of residential amenity and biodiversity and to enhance the setting of the adjacent designated heritage asset.

14. 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.

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.

15. Prior to the first occupation of any part of the development hereby permitted, a Green Travel Plan which shall include measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the details of the plan upon first occupation of the development.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

16. The development hereby permitted shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation of the

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development.

Reason: To ensure a sustainable and energy efficient form of development.

17. Details of the cycle storage facilities shall be submitted to the Local Planning Authority. These facilities shall be approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

18. Prior to the erection of any fencing, walling and other boundary treatments, details shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory external appearance to the development.

19. Prior to the first occupation and use of the retail units hereby permitted, a car park management plan shall be submitted to and approved by the local planning authority. The plan shall include details of measures to discourage long-term commuter parking within the site and also parking adjacent to the adjoining residential and commercial floorspace at Springfield House.

Reason: In the interests of highway and pedestrian safety and the amenities of adjoining occupiers on the site.

20. The net internal sales area of the foodstore hereby permitted shall not exceed 3,252 sq metres of which no more than 2,439 (net) shall be used for the sale of convenience goods and no more than 813sq metres (net) shall be used for the sale of comparison goods. No more than 158 sq metres (net) of the foodstore shall be used as a café and this will be ancillary to the main retail use of the foodstore.

Reason: To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.

21. The foodstore and any Use Class A3 unit within the adjacent retail units hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and in respect of the foodstore only up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The foodstore café cannot be open outside of the foodstore opening hours.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

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22. Deliveries shall only take place or be accepted at the store and adjacent retail units within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, 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 with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance for the development.

24. Prior to the first occupation of any part of the development hereby permitted, details of a maintenance programme for maintaining the external appearance of the buildings shall be submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area

25. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 7119-P0002, 7119-P100, 7119-P101.0revA, 7119-VS01, 02 and 03 received 17/12/2013 and as amended by drawing nos. 1378-01-24-02-2014revD, 1378-02sheet 1 24-02-2014revD, 1378-0224-02-2014revD, 1378-01-24-02-2014 photoshop presentation revD, 7119-P101.1revB, 7119-P107.1revB, 7119-P106revB, 7119-P104revA, 7119-P107.2revB received 24/02/2014,

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the

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development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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~~.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0730 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by, the local planning authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances

You are advised that if during the course of development protected species are found on site, all works should cease until appropriate mitigation works have been agreed and any necessary licenses obtained in accordance with the requirements of The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006 (NERC Act) and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulation 2010).

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

In submitting the details pursuant to condition 7 above, the developer should have regard to the DEFRA guidance from the document 'Low Emissions Strategy – using the planning system to reduce transport emission: January 2010.'

