

APPLICATION: MA/09/2297 Date: 17 December 2009 Received: 24 February 2010

APPLICANT: Mr Colin Begeman, Cascade Partnerships

LOCATION: LAND EAST OF CHANCE, GRIGG LANE, HEADCORN.

PARISH: Headcorn

PROPOSAL: Mixed use development comprising Doctors surgery, children's nursery school, plus 16 three bedroom and 9 two bedroom Local Needs housing units as shown on drawing nos. HS/01, 02, 20, 22, 23, 24, 25, 26, HS/10SK, 11SK, 12SK, 30SKN and Planning Design and Access Statement (Maidstone Housing Trust), Reptile Survey (Swift Ecology), Amphibian Survey (Swift Ecology), Arboricultural Implication Assessment (PJC Consultancy Ltd.), Housing Needs Survey Report (The Rural Housing Trust), Speed Survey (Jacobs), Statement of Community Involvement, Strategic Flood Risk Assessment Report prepared for Maidstone Borough Council (Mott MacDonald), Report on a Ground Investigation (Soils Limited), Report on a Phase 1 Desk Study (Soils Limited) all received on 17/12/2009 and as amended by Transport Statement (Bellamy Roberts) received 10/02/2010, drawing nos. HS03revA, HS/04 and plan showing habitats at end of development prepared by Swift Ecology received 11/02/2010, BREEAM Education and BREEAM Healthcare Pre-Assessment indicators received 19/02/2010, Drawing nos. HS/21revA, HS30revA, HS31revA received 19/02/2010, Code for Sustainable Homes Pre-Assessment indicator and drawing no HS/03A/SPT received 24/02/2010.

AGENDA DATE: 20th May 2010

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is a departure from the Development Plan in that the site lies outside the village envelope as defined in the Maidstone Borough-wide Local Plan 2000 and has been advertised as such.

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13, CF1
South East Plan 2009: SP2, CC1, CC4, CC6, C4, H1, H2, H3, H4, H5, T4, NRM1, NRM4,

NRM5, NRM7, C4, BE4, BE5, BE6, S3, S6, AOSR6, AOSR7

Village Design Statement: N/A

Government Policy: PPS1, PPS3, PPS4, PPS7, PPS9, PPS25, PPG13, PPG16

1 HISTORY

- MA/82/1514: Stationing of two caravans for residential use: REFUSED 14/01/1983
- MA/78/1397: Residential development: REFUSED 03/11/1978
- MK2/61/0305: Outline application for residential development: REFUSED 23/10/1961
- MK2/57/0067: Outline application for the erection of 12 houses: REFUSED 20/05/1957

1.1 The previous site planning history set out above saw three applications for residential development refused generally on the grounds that the sites were on unallocated land in the countryside and that there was no need to release the land for development. Application MK/2 61/305 was additionally the subject of objections to the loss of agricultural land from the Ministry of Agriculture. Application MA/78/1397 was also refused on the grounds of the inadequacy of Grigg Lane to accommodate the development.

1.2 Application MA/82/1514 sought permission for use of the land as a gypsy site for two caravans, upon which, if approved the applicant would have moved from Plumtree Bottom in Stockbury and the plot there would likely to have been purchased by the Council in view of its policy at the time to reduce the number of pitches on that site. Planning permission was refused on the grounds that there was no overriding need to permit the development, the resultant unacceptable addition to existing sporadic development in the area and a general presumption against any proposed development outside built-up areas that generates vehicular or pedestrian traffic.

2 CONSULTATIONS

2.1 Headcorn Parish Council: Were consulted on 31 December 2009 and 8 March 2010 following the receipt of additional details from the applicants. The Parish Council initially considered the application at a meeting on 29 March 2010 and raised objections to the proposals. (A formal response was not however submitted by the Parish Council to the Council following this meeting). The Parish Council reconsidered the application at a meeting on 14 April 2010 and has now formally advised that they wish to see the application APPROVED and have made the following additional comments.

Local Needs Housing –the standard S106 agreement for such housing on an exemption site but in particular:-

- Headcorn Parish Council to be named as the agency that confirms the local connection of any proposed tenants and any tenants whose local connection is not confirmed in writing by said council should not be offered accommodation for rental or shared ownership on the development.
- No housing transfer can take place unless Headcorn Parish Council has been informed, and local connections of the new tenants have been verified. Local connections are defined as either current residents or have existing family or employment connection.
- In the event that houses cannot be filled by Headcorn persons, then the properties can be offered to families in the surrounding villages that adjoin Headcorn borders. These will be subject to the same conditions and approvals with the relevant parish council as in conditions 1 and 2 above.
- All Local Needs Housing must only be available for this purpose in perpetuity.
- In view of the results of the Rural Housing Trust Survey and as experience demonstrates that this contributes towards a more balanced community, Headcorn Parish Council would wish to see a percentage of the affordable housing being offered for shared equity housing.

Grigg Lane and Oak Lane – all the conditions detailed on safety grounds in Kent Highways Report in particular

- An extension to the 30mph speed limit along Grigg Lane to encompass the accesses to the development site.
- Enhancement of the give-way signs and lines at the junction of Grigg Lane with Oak Lane.
- The provision of coloured high friction surfacing at the junction of Grigg Lane and Oak Lane.
- Street Lighting along Grigg Lane.
- Passing areas along Grigg Lane.
- Extension to the footway along Grigg Lane with dropped kerb crossings.

In addition following discussion between the developers and the Parish Council to increase highway safety in Oak Lane

- A virtual footpath along Oak Lane which will give pedestrian priority.
- Appropriate traffic calming measures in Oak Lane in association with the virtual footpath.
- Enhancement to road signage in Oak Lane to increase safety.
- The provision of high friction surfacing to the junction of Oak Lane and the A274.
- Provision of additional lighting in Oak Lane

If Kent Highways object to the proposals for Oak lane they need to recommend a suitable solution to the safety issue in Oak Lane for the developer to implement via the S106 agreement

A Condition regarding the construction period

- Building works should take place between the hours of 7am-8pm Monday-Friday and Saturday 8am-1pm. No works to be carried out on Sundays or Bank Holidays.'

2.1.1 Officer comment: The specific comments of the Parish Council relating to highways issues and the terms of the s106 agreement are considered in the relevant section later in the report.

2.2 Natural England: Commented originally as follows:-

2.2.1 "Great crested newts: The survey information provided by the applicants indicates that great crested newts are utilising ponds or terrestrial habitats that are likely to be affected by the proposals. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on newt populations. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

Prior to the commencement of any works which may affect great crested newts or their breeding sites or resting places, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

2.2.2 Widespread reptiles: The survey information provided by the applicants indicates that grass snake, common lizard and slow worms are present within the application in areas that are to be affected by the development. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on local reptile populations. Therefore, Natural England is satisfied that these proposals will not be detrimental to the population of reptiles, subject to the condition listed below.

Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

2.2.3 Biodiversity Enhancements: This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the Council be minded to grant permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning Policy Statement 9.

2.2.4 Summary and conclusions: Based on the information provided, **Natural England has no comments to make** regarding protected species subject to the conditions described above.'

2.2.5 They subsequently confirmed 17 March 2010 that they have no further comments to make on the additional information submitted by the applicants which indicated the enhancement measures that are to be provided within the site and the management regime for the grassland.

2.2.6 *Officer Comment: Natural England has not therefore raised objections to the development on ecological grounds subject to the appropriate conditions they recommend being imposed on any permission.*

2.3 Kent Wildlife Trust: Commented originally on 22 January 2010 as follows:-

2.3.1 "Statements submitted in support of the application confirm that the site has considerable ecological value. Each of these reports makes recommendations as to how the current interest should be retained and/or the effects of development mitigated.

2.3.2 Unfortunately, I have been unable to identify any statements or drawings that demonstrate how all these recommendations are to be met. The proposed layout plan seems only to demonstrate just how little regard has been shown towards the nature conservation interest in the site. A narrow 'newt migration' strip has been shown along the northern boundary but it is outside the site boundary, not under the control of the applicant and there appear to be no specifications for its management. Furthermore, the small scale of rear gardens along the north and west boundaries will place the valued boundary features in those parts of the site under severe pressure from human occupation. Finally, the Arboriculturalist's "recommended route for protective fencing" along the northern boundary has been ignored.

2.3.3 More fundamentally, Key Principle (vi) of PPS9 (see footnote) has not been addressed. The application fails to demonstrate that there are no reasonable alternative sites for the development. This test is relevant not only because of the requirements of PPS9 but also because the site lies outside the settlement boundary where there is a normal land use policy presumption against built development.

2.3.4 In these circumstances, the Trust **objects** to the grant of permission. The proposal threatens the nature conservation interest of the site and appears to be contrary to land use and biodiversity planning policy presumptions and requirements."

2.3.5 Kent Wildlife Trust confirmed on 22 March 2010 that they wish their earlier objections to stand as the latest ecological information has not addressed their concerns relating to the principle of the development. They are still therefore objecting to the development.

2.4 Kent Highway Services: Do not object and have commented as follows:-

2.4.1 "A Transport Statement has been submitted with this application containing the following information:-

Traffic Generation

2.4.2 Nursery: A survey of traffic movements to and from the existing nursery has been used to estimate the traffic generation associated with the proposed nursery. It is estimated that 22 two way vehicle movements will be generated during the morning peak period and 11 movements during the evening peak period.

2.4.3 Doctors Surgery: The TRICS database has been used to calculate the number of vehicle trips likely to be attracted to the Doctors surgery. The outcome indicates that there is likely to be 29 two way vehicle trips during the morning peak period and 26 movements during the evening peak period.

2.4.4 Residential: Again the TRICS database has been used to calculate the vehicle trips associated with the residential aspect of the development. The results indicate that there is likely to be 11 two way vehicle trips during the morning peak period and 14 movements during the evening peak period.

2.4.5 Total: The total number of vehicle trips to the site would be in the order of 62 (two way) during the morning peak and 51 during the evening peak with an estimated 526 trips daily.

2.4.6 Therefore it is considered that the existing highway network can adequately accommodate this increased level of traffic.

Deliveries:

2.4.7 Tracking diagrams have been submitted indicating that deliveries/emergency services and refuse vehicles are able to turn within the site. Details are required of the frequency of the trips to the site by the MRI Scanner and how this vehicle is to enter and leave the site.

Access:

2.4.8 Two points of access are proposed along Grigg Lane one to serve the doctors surgery and the other for the nursery and residential uses. Visibility splays are to be provided in accordance with Manual for Streets and the measured 85thile speeds which is acceptable.

2.4.9 Due to the narrow nature of Grigg Lane passing areas are required on the eastbound approach to the site to allow sufficient space for HGVs and cars to pass without inconvenience and hazard to road users.

Pedestrian access:

2.4.10 A new footway is proposed along Grigg Lane to connect the surgery with the existing footway. Dropped kerb crossings are required to enable safe crossing between the footways.

Parking

- 2.4.11 Residential: 1 allocated parking space is proposed for each dwelling plus 4 unallocated spaces. This falls short of the recommendation given in the Kent Design Guide – Interim parking guidance Note 3 which recommends a minimum of 2 spaces per 3 bedroom dwelling and 1.5 spaces per 1&2 bedroom dwellings with 0.2 spaces per dwelling for visitors in suburban edge/village/rural areas. However Headcorn has good public transport services and the village centre with its wide range of facilities is within walking distance of the site. Guidance in respect of residential parking in town centres/urban edge and suburban areas recommends a minimum of 1 space per unit for both 2 and 3 bedroom dwellings.
- 2.4.12 Having considered this information I can confirm that the parking provision proposed for the residential aspect of the application is acceptable.
- 2.4.13 Vehicles parked in the parking spaces alongside Plot 13 and Plot 20/21 have insufficient space for turning. Consideration should be given to the relocation of the parking spaces.
- 2.4.14 Nursery: 11 parking spaces and a drop off area providing space for 2 vehicles is proposed. The Kent & Medway Vehicle Parking Standards are used for guidance on the maximum parking provision. This recommends 1 space per two members of staff and 1 space per four children. With 16 staff on site at any one time and 50 children the maximum parking requirement is 20 spaces.
- 2.4.15 Doctors: 12 staff spaces and 21 visitors' spaces are proposed. The Kent & Medway Vehicle Parking Standards recommends a maximum of 1 space per two staff and 4 spaces per consulting room. Given that there would be 25 staff and 9 consulting rooms, a maximum of 12 staff spaces and 36 visitors' spaces would be required.
- 2.4.16 Clearly the visitors parking at the surgery falls short of these maximum standards, however it should also be borne in mind that there is currently no allocated parking available at the existing doctor's surgery.
- 2.4.17 Parking – summary: Parking within the site is limited; however the site lies within walking distance of the train station, bus services and the village centre. The application is below the threshold where a Travel Plan is normally required, however in view of the limited parking within the site I would recommend that an approved travel plan is in place prior to any occupation of the site. Indeed a basic travel plan has been submitted and this is currently being enhanced by Transportation Consultants.
- 2.4.18 Cycling: Space should be provided on site for cycles to be parked in accordance with the Kent and Medway Vehicle Parking Standards.
- 2.4.19 Safety: There have been no reported injury crashes along Grigg Lane or Oak Lane within the latest 3 year period, however safety is an issue as Oak Lane has limited footways and this aspect has been highlighted as a real concern of the parish council. The development will intensify the use of Oak lane and Griggs lane by both cars and pedestrians. In order to improve safety a number of measures have been put forward and agreed by the developer to enhance safety for all road users visiting the site. These can be secured through s38 or s278 agreements.

These include:-

- An extension to the existing 30mph speed limit along Grigg Lane to encompass the accesses to the development site. This will require a TRO therefore the developer has agreed to provide a financial contribution of £2000 to enable KHS to process the works.
- Enhancement of the give way signs and lines at the junction of Grigg Lane with Oak Lane.
- The provision of coloured high friction surfacing at the junction of Grigg Lane/Oak Lane.
- Street lighting along Grigg Lane.
- Passing areas along Grigg Lane.
- Extension to the footway along Grigg Lane with dropped kerb crossings.”

2.4.20 As a result of the specific comments made by the Parish Council in their response to the application (see para 2.1 above), additional comments were received from Kent Highway Services on 5 May 2010.

‘As you are aware, Kent Highway Services only install Traffic Calming at locations that have a proven personal injury crash record. According to the County Crash Database, there have been **no** reported personal injury crashes along Oak Lane over the past 10 year period. Due to this fact, Oak Lane does not justify the need for traffic calming at the present time.

There is insufficient width for a formal footway to be built on the existing carriageway, discussions were held between myself and the Parish Council regarding this. I explained to the Parish Council that a footway along Oak Lane would cost potentially in the region of £500k due to land transfers. Should one owner not wish to sell their land, we would not install a footway. This is still the case. A virtual (painted/marked on the carriageway) footpath is also not considered to be necessary, given the personal injury record.

I personally I feel that the developer would be unable to fund a footway and this would result in Headcorn not having a surgery whatsoever. This would then increase vehicle trips within The Weald.

I was under the impression that additional signage together with additional street lighting was to be provided as part of the application. Perhaps roundels painted on the carriageway could also be added to back up the speed limit signage.

I do suggest the installation of 'Pedestrian in Carriageway' signage along Oak Lane to enforce the possibility of pedestrians being on the carriageway.’

2.5 KCC Heritage Conservation: Have commented as follows:-

2.5.1 “Although the focus of the medieval settlement of Headcorn is considered to be around the church, the full extent of early settlement here is not known. The development site is located in Grigg Lane which is considered to be a route of an early possibly late Saxon, droveway linking Faversham/Ospringe with the Weald around Sissinghurst. The drove is thought to have crossed the River Sherway at Franks Bridge to the south east of the development site. A hamlet known as Spears Ash is shown immediately south on

eighteenth century maps which suggests that the site may be close to an early settlement focus. The ponds nearby are likely connected with historic iron extraction and remains connected with this industry may also survive on the site. I would therefore recommend in any forthcoming consent that provision be made for a programme of archaeological works prior to any works commencing."

2.6 Environment Agency: Commented as follows:-

2.6.1 "We note that we are in receipt of a Flood Risk Assessment and a Desk Top Study. There are no environmental constraints at this site and the development is not over 1ha therefore we have **no objection**. However we wish to make the following comments.

2.6.2 Soakaway

We have **no objection** to the above proposal. The developer should be aware however, that due to the impermeable nature of the geology (Weald Clay) which underlies the proposed area, the infiltration rate for soakaways may be negligible.

2.6.3 Contamination

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1'- general guide to the prevention of pollution', which is available on our website at environment-agency.gov.uk."

2.7 KCC Mouchel: Have confirmed that as the development is to be restricted to local needs occupancy criteria through a s106 agreement, that no contributions are requested.

2.8 West Kent Primary Care Trust (PCT): Seek a contribution of £22,608 plus their legal fees for completion of the s106 agreement towards the provision of Primary Health Care facilities based on an assumed occupancy of 62.8 persons at a rate of £120/person for a three year period (£360).

2.9 Kent Constabulary Architectural Liaison Officer: Has confirmed that providing the issues discussed with the applicant around Secured by Design and designing out crime are addressed, there are no objections to the planning application proceeding if permission is granted.

2.10 EDF Energy: No objections

2.11 MBC Housing: Have commented as follows:-

2.11.1 "The Housing Department are supportive of the scheme as there is a recognised and proven need for affordable housing within Headcorn. In November 2005 a housing needs survey was undertaken in the Headcorn parish by the Rural Housing Enabler from the Rural Housing Trust on behalf of Headcorn Parish Council. This survey identified 77 households indicating that they needed re-housing. As a result, Maidstone Housing Trust (soon to be called Golding Homes) have come up with this proposed scheme. The mix of units reflects a good range of affordable, family accommodation and meets the

household composition and recommendations of the survey for a mix of two and three bedroom accommodation.

- 2.11.2 A Village Information and Consultation Event was held in Headcorn in November 2009, and events such as this are often used as an opportunity to update original housing needs surveys to determine whether there has been any change of circumstances. Local people with a need for an affordable home were asked to complete a Registration of Interest Form indicating their housing needs, which also looks at the nature of their local connection, reasons for re-housing, and household incomes. Analysis of the data has been carried out which further supports the case for affordable housing within the parish.
- 2.11.3 The Housing Department are keen to see mixed, socially inclusive, sustainable communities, which offer a choice of tenure to people. Particularly in cases where people aspire and are eligible to buy, rather than just rent, in order to get a foot on the home ownership ladder. Whilst the affordable housing units will initially comprise of 25 units for social rent, it has been agreed that Maidstone Housing Trust will use reasonable endeavours to provide as many shared ownership units as possible within the scheme (up to a maximum of 8) provided that it is economically viable to do so. The s106 agreement will capture this agreed tenure position, by including provision to vary the tenure type of any of the affordable housing units from rented to shared ownership."
- 2.11.4 Further comments were made on 22 April 2010 in response to the Parish Council comments on the local connections criteria selection process they wished to be involved with in relation to the s106 agreement and also issues of tenure. The Parish Council's request and the response of the housing section are set out below.

Headcorn Parish Council to be named as the agency that confirms the local connection of any proposed tenants and any tenants whose local connection is not confirmed in writing by said council should not be offered accommodation for rental or shared ownership on the development.

I'm afraid we cannot agree to this. It is not appropriate for the parish council to be involved in the detail of the selection process. It is the responsibility of the Council to ensure the nomination process is fair and in accordance with the Council's Allocation Scheme and eligibility criteria for local needs housing in rural areas. The Council have a duty to ensure that our policies and procedures are compatible with the obligations imposed by existing legislation (Housing Act 1996) when offering accommodation to people with priority under the authority's allocation scheme.

One of the most important factors and principal concerns of the Council with schemes of this nature, is that the affordable homes built are allocated to local people/households in identified housing need. Our housing software is able to highlight applicants who have a rural housing local connection. An applicant's priority for housing will be assessed through the local connections criteria first and the Points Scheme which is used to measure the housing needs of their household, compared against another local applicant's needs.

No housing transfer can take place unless Headcorn Parish Council has been informed, and local connections of the new tenants have been verified. Local connections are defined as either current residents or have existing family or employment connection.

Again, we cannot agree to this due to the aforementioned reasons. The starting point for selecting who will be considered for the affordable housing on this scheme would obviously be set out in the s106 agreement, to ensure that people with a defined local connection, who have an identified housing need, will be offered the properties in the first instance. We could however provide a summary report to the PC during the allocation process advising of the number of bids for properties. The parish council could also be sent a list of the local connections of the selected applicants, but not the applicants details due to data protection requirements.

The defined local needs connection and eligibility criteria used in schemes of this nature are as follows:

- has lived in the Parish for a period of at least five years ending with the date of application for accommodation or
- has lived in the Parish in the past for a period of at least five years or
- has close family in the Parish who have lived there for a period of at least five years ending with the date of application for accommodation or
- has had continuous employment in the Parish for a period of at least one year or
- has been forced to move away from the Parish due to lack of suitable accommodation.

In the event that houses cannot be filled by Headcorn persons, then the properties can be offered to families in the surrounding villages that adjoin Headcorn borders. These will be subject to the same conditions and approvals with the relevant parish council as in conditions 1 and 2 above.

There is a cascade mechanism built into the s106, which allows any properties to be offered to qualifying persons in neighbouring parishes that adjoin Headcorn. The parishes would be named within the s106. In this case, they would be Ulcombe, Boughton Malherbe, East Sutton, Sutton Valance, Staplehurst. We again however, cannot agree to this being subject to conditions 1 and 2 above.

All Local Needs Housing must only be available for this purpose in perpetuity.

This we can agree to and is normal procedure. The s106 legal agreement will ensure that the properties will remain affordable in perpetuity. Headcorn is a Rural Designated Protected Area. Any shared ownership properties will be retained by either restricting to 80 per cent the share owners can buy or allowing owners to acquire up to 100 per cent but ensuring the provider buys the property back to retain it for future purchasers.

In view of the results of the Rural Housing Trust Survey and as experience demonstrates that this contributes towards a more balanced community, Headcorn Parish Council would wish to see a percentage of the affordable housing being offered for shared equity housing.

This is a sentiment and wish shared by Housing also, which has been repeatedly told to Golding Homes. Whilst the Affordable Homes will initially comprise of 25 units for Social Rent, it has been agreed with Golding Homes, that they will use reasonable endeavours to provide as many shared ownership units as possible within the scheme (up to a maximum of 8), provided it is economically viable to do so. An appropriate clause will be included within the s106 to cover this issue.

2.12 MBC Landscape Officer: Commented as follows:-

2.12.1 "There are a number of individual trees to the west of the site which are subject to TPO No 3 of 1978. However, they are far enough away not to pose any significant constraints to the proposed development.

2.12.2 The plans show that the proposed development will only occupy half an unused field. It is unclear what is proposed for the remaining half of the field.
(Officer comment: the remaining half of the field is shown to remain in agricultural use with access secured through the development site).

The southern and eastern boundaries consist of hedgerow and, situated within the hedgerow, are a number of individual Oak trees, which are a common feature within the landscape. There are in total 7 trees within the southern boundary and 5 along the eastern boundary, although only 3 will be within the grounds of the proposed development. The western boundary consists of small woodland. None of the trees that bound the site are of any significant amenity value, either individually or as a group.

2.12.3 The proposed layout plan indicates that the 3 Oaks on the eastern boundary are to be retained and incorporated into the scheme. A number of trees are to be removed on the western side, although it is unclear how many and which trees. The trees which front onto Grigg Lane appear to be shown to be removed; however this needs to be clarified. The plan suggests that the retained trees will not pose any significant constraint. However referring to the same drawing I am concerned that two of the Oaks, on the eastern boundary, given the close proximity to the property, No 21, may be a concern to the residents during windy conditions; in addition leaf litter will also be a nuisance.

2.12.4 Landscaping scheme: The proposed layout plan shows a number of trees to be planted, although it is not clear what size and species are proposed. A hedge consisting of Hawthorn/ Beech is shown to be planted along the boundaries, although it is unclear as to whether the existing hedge will be retained. The applicant should be aware that the current hedge is a natural feature of the landscape, and its removal would be detrimental to the landscape character of the area.

2.12.5 Recommendation

It is, therefore, recommended that: on landscape/arboricultural grounds the application should be **APPROVED** with the following standard conditions.

Conditions:

Tree survey in accordance with BS 5837:2005; This should include a Tree Constraints Plan which shows the root protection area, the effect of the existing trees in terms of shade and dominance on the proposed development. It should also include a Tree Protection Plan showing the finalized layout proposals, tree retention and tree and landscape protection measures together with an Arboricultural Method Statement

identifying the necessary methodology to ensure any retained trees are successfully integrated into the scheme.

Landscape scheme using native species in accordance with the Council's adopted Landscape Character Assessment."

3 REPRESENTATIONS

3.1 In response to the application as originally submitted, representations were received from 25 letters local residents including a petition opposing the development signed by 44 persons. The comments made are summarised as follows.

- A new doctors' surgery is needed but not here.
- The development is in the wrong place and will be inconvenient to many of its potential users. The surgery is in the wrong place it should be in the centre of the village. It is suggested that the surgery should be located next to the village hall. The nursery has a very good existing site close to the station and is convenient to the village and for parking.
- There should be no housing on the site. There are much better sites to develop social housing in the village.
- A greenfield site should not be developed. This will lead to other development around it in the future and set an unacceptable precedent.
- The development will free up the existing sites for development and enable large profits to be made on these sites.
- Loss of wildlife habitat. The existing hedgerow to Grigg Lane should be retained
- Loss of prime land for agricultural use. (Officer Comment: The land is Grade 3).
- The site is poorly allocated to accommodate the traffic likely to be generated by the development. Surrounding roads are narrow with a number of parked cars on the street and cannot accommodate the increased traffic. Ambulance traffic and the MRI scanner will find it very difficult to access the site.
- There are no pavements in Oak Lane and Grigg Lane as well as no street lighting. Both of these should be provided.
- Why can't the whole site be accessed from Lenham Road to the north?
- Parking provision is unacceptably low. The site's location is such that people are unlikely to walk to the site. The indicated provision for the nursery is too low for traffic that will be dropping-off and picking-up children. Parking is likely to occur outside the development which will be dangerous and cause highway safety problems.
- There will be an unacceptable increase in noise and disturbance for the residents of Grigg Lane and Oak Lane due to the increase in traffic.

- The development should include an NHS dentist for the people of Headcorn.
- The design of the surgery and nursery is not acceptable being akin to a skateboard park ramp, a traditional approach as used elsewhere within the village should have been taken.
- The relationship between the more traditional design of the new houses and the surgery and nursery will also be awkward and incongruous.
- The ponds will not be safe particularly due to the existence of a nursery on the site.
- The development will result in an increased flooding risk to nearby properties.
- Any housing development should be restricted to local needs occupation in perpetuity and not used for accommodating person from across the Borough.
- The siting of the surgery will not encourage people to use other existing shops and facilities in the village centre resulting in a loss of trade.
- The proposed shuttle service shows the poor location of the site. It is anticipated that this service will not last long due to its cost.
- The local school is at capacity and will not be able to cope with the additional demand from this new housing and others that are proposed elsewhere in the village.
- The development would prejudice the LDF and the SHLAA process. Consent is premature and would not accord with PPS3 or PPS12. An assessment has not been made of alternative sites as part of a strategic process which may be better serve the community.

3.2 Maidstone CPRE has also commented on the application.

- They raise concerns regarding the apparent lack of involvement of Headcorn Parish Council in the site selection process and they consider that the Parish should be involved in determining compliance with local connections criteria. The tenure of the development is also important and there is a need for a balanced tenure within the site
- They do accept however that the site is a Rural Exceptions Site and that the site, a greenfield one but close to the village of Headcorn with its various facilities, does criteria for such a location.
- The materials proposed for the housing development are acceptable and welcome the commitment to achieving Code Level 3.
- They consider that some of the units closest to the nursery should be moved due to potential noise and disturbance which might lead to complaints from the occupiers of the dwellings.
- They state that they support the overall concept of the development proposed but request that Headcorn Parish Council are more heavily involved to ensure that the development meets the requirements of the applicants and of Headcorn people.

- 3.3 I will advise Members at the meeting of any further representations received as a result of consultation following receipt of the additional information.

CONSIDERATIONS

4 Site location and description

- 4.1 The application site is located on the north side of Grigg Lane approximately 270m north east of its junction with Oak Lane. It amounts to 0.90ha in area.
- 4.2 It is located outside the 'village envelope' of Headcorn as defined by the Maidstone Borough-wide Local Plan 2000, and, in common with the settlement of Headcorn as a whole, lies within the Low Weald Special Landscape Area as defined by policy ENV34 of the Maidstone Borough-wide Local Plan 2000.
- 4.3 In terms of its proximity to the 'village envelope' of Headcorn as defined in the Maidstone Borough-wide Local Plan 2000, the site is some 40m northeast of the closest point of the village boundary on the south side of Grigg Lane and 100m from the defined boundary on the north side of Grigg Lane. The existing footpath along Grigg Lane terminates on its south side some 40m west of the site. In terms of straight-line distances, the site is located some 650m north east of the existing surgery in Forge Lane, some 750m from the Sainsbury's Local store in the village centre and some 600m from Headcorn Station.
- 4.4 The site comprises an open field bounded by mixed native species hedgerows (approximately 2m in height) on all sides. There are a number of hedgerow trees along Grigg Lane and elsewhere along other site boundaries. There is currently one gated access off Grigg Lane onto the site at its eastern end, adjacent to Elizabeth House.
- 4.5 The site is relatively flat falling approximately 0.5m from north to south and by approximately 0.25m from east to west.
- 4.6 There are a number of ponds which are of ecological interest in close proximity to the site the closest of which is in the field some 15m to the north of the site. Others are located north of Kent Cottage approximately 80m west of the site boundary and on the south side of Grigg Lane 20m west of the site boundary. There are also a series of connecting ditches in the area. As a result the application site and its surroundings have been subject to ecological surveys, the results of which have been submitted with the application and taken into account in the design of the scheme.
- 4.7 Elizabeth House is a two-storey dwelling located on the adjacent plot to the north-east of the application site. It has 1st floor windows facing towards the

site. It is sited approximately 16m from the site boundary and has a large single-storey detached garage/shed located adjacent to the application site boundary.

- 4.8 There is a detached two-storey farmhouse (Gibbs Hill Farm) on the south side of Grigg Lane with an access directly opposite the application site's current access point. This dwelling is approximately 25m from the carriageway in Grigg Lane and has two small ground and first floor windows on its north flank elevation facing northwards towards Grigg Lane.
- 4.9 The buildings at Chance Holdings to the west of the application site are single storey wooden buildings and are well screened by existing planting.

5 Proposals

- 5.1 The application is a full application and seeks planning permission for the erection of a Doctors' surgery, a childrens' nursery school, and 16 three-bedroom and 9 two-bedroom two-storey 'Local Needs' housing units. The Doctors' surgery would be a replacement for the existing facilities at Clerks Field (off Forge Lane) just north of the main village centre. These premises have been occupied since the mid 1960s. The childrens' nursery would be a replacement for the existing facility converted from a former laboratory building (comprised of portable flat-roofed buildings) in the late 1990s at Station Approach.
- 5.2 The housing element would be located towards the western and northern site boundaries, the day nursery in the centre of the site and the doctors' surgery towards its south east corner.
- 5.3 A new estate road 4.8m in width would be created with its junction with Grigg Lane located some 25m from the site's western boundary. This would serve the housing and childrens' nursery and providing access to the public car park for the doctors' surgery. A footpath would be provided along the northern side of Grigg Lane running westwards from the estate road to the point opposite where the footpath on the south side of Grigg Lane terminates. A secondary access to Grigg Lane serving the staff car park for the doctors' surgery would also be formed some 29m west of the site's eastern boundary.

Housing element

- 5.4 The housing development is 'L' shaped in form with units predominantly sited along the western and northern boundaries fronting the estate road and their rear elevations facing the site boundary with one block with its rear backing onto the doctors' surgery. On entering the site there would be a terrace block of 4 units followed by a terrace of 5 units, the north-west corner of the site would be occupied by two pairs of semi-detached units and then there would be two

further terraced blocks of four units along the northern side of the site. The final terrace of 4 units would be located opposite and to the south of the block in the north east corner and face on to the estate road with the rear elevations backing onto the Doctors surgery.

- 5.5 All the housing units would be two-storeys in height with eaves heights of 4.9m and ridge heights of 7.5m with the end of each terraced block being 8m to ridge. The semi-detached units would have eaves of heights of 4.9m and a ridge height of 8m. The end of terrace units and the semi-detached units would be 3-bedroom and the mid-terrace units, 2-bedroom. Block 7, which backs on to the doctors' surgery, would comprise four 3-bedroom units.
- 5.6 The first floor flank elevations of the end units of each terrace and the semi-detached residential units have 'oriel' windows serving bathrooms. On the flank elevation of Plot One facing Grigg Lane, the horizontal boarding will be provided for the entire first floor level, on other end terrace units, the boarding partially returns onto the flank elevations for a depth of 1.2m.
- 5.7 Parking provision is one space/plot.
- 5.8 The applicant's original intention was for the residential units to all be rented. However discussions have taken place between the applicants and the Council's housing section with a view to the applicants providing up to 8 shared ownership units if funding arrangements allow. An appropriate clause has been suggested for inclusion in the s106 agreement.

Nursery and surgery buildings

- 5.9 The doctors' surgery and childrens' nursery have been specifically designed for the site. They are both more 'organic' in form than the housing units. The combined floor space of the doctors' surgery and nursery is 1030m² the nursery is approximately 420m² in area and the surgery 610m².

Childrens' nursery

- 5.10 The nursery would be a single storey building, with a butterfly roof, comprising two main classrooms either side of a central core area providing kitchen, toilets, plant rooms and staff rooms. The nursery would have a drop-off/pick-up point and 7 staff parking bays and a further 6 parking bays including 2 dedicated disabled parking bays. The 6 parking bays could be used for visitors to the nursery or as overspill to the surgery and after hours would be available for use by residents.
- 5.11 In form, the nursery building is perhaps best described as being akin to a kidney bean in shape. It would have curved walls that would be smooth cast rendered

in an off-white colour. The roof would be grass planted with species currently found on the site and would fall from either end of the building towards the centre. It would be approximately 32m x 18m.

- 5.12 The walls would be 6.5m high at their tallest falling to 3.5m in the centre of the building. The roof would over-sail the walls by up to 2m and would be 7m above ground level at their highest. A striking feature of the building would be the principle windows which are 'Y' shaped in form restricting direct views into the building at lower levels but widening-out above eye level allowing light into the building at higher levels. A series of sun-pipes set into the roof would also provide daylight to the classroom and central core area.
- 5.13 The nursery compound would be enclosed by a hawthorn/beechn hedge and a 1.2m high chain link fence to provide security.

Doctors' surgery

- 5.14 The doctors' surgery building would again be single storey, but would have a more complex roof form than the nursery. The roof would be formed of a series of curved 'lips' that rise from one end to the other. The building would house 2 nurses rooms, 6 GP consulting rooms and a minor surgery room together with, a plant and equipment room, storage and archives room, staff facilities, meeting room, a dispensary, practice manager's office, a general administration office, a waiting area and toilet facilities.
- 5.15 It would be finished externally in the same materials as the nursery with off-white smooth cast rendered walls and grass roofs. The roof form of this building would differ from the nursery building in that it would comprise a series of separate curved roof forms. A series of sun-pipes would also be located on the roof of this building to provide internal light.
- 5.16 The plan form of the doctors' surgery is more elongated than the nursery at 49m but is generally narrower varying from approximately 18m in width to 9.5m. The walls would vary in height from 5.5m to 2.8m and would be curved. The roofs would again over-sail the walls by up to 2m approximately. Fenestration would generally be more conventional in design than in the nursery building but varying from square or round to tall narrow windows. A large 'Y' shaped window would be formed in the north elevation of the surgery emulating the detail used in the nursery.
- 5.17 Proposed parking provision for the surgery would comprise a 21-bay car park (including 4 disabled spaces) for patients, accessed from the main site access road that serves the nursery and housing. There would also be a separate doctors'/staff car park with a second access point off Grigg Lane comprising 12 bays including 2 disabled bays. This area would also include space for an HGV

based MRI Scanner to park on the site and for an emergency ambulance if needed. The Doctors have stated that they will run a pick-up service from patients from the village centre to the site.

5.18 The staff car park would be secured out-of-hours, but the patients' parking area would not be.

Materials

5.19 The indicated materials are as follows:-

Housing

- Bricks: Brickwork will be a red multi stock brick namely Pevensey Multi Stock or West Hoathly Medium Multi Stock both by Ibstock.
- Weather Boarding: This would be Cedral Weather Boarding colours to be Black and Cream white.
- Roofing Slates: These would be Black Rivendale Slates as Manufactured by Eternit with Terracotta Clay ridge and hip tiles. The roofs would have barn-hips at the end of each block and on each semi-detached pair.
- Window Frames: These would be softwood painted white.

Doctor's Surgery and Children's Nursery

- Externals Walls: These will be finished in Off White through colour render with a course texture finish.
- Windows: Would be of softwood stained Light Oak in colour.
- Fascias: Would be of Softwood Plywood Timber painted with light oak stain/varnish.
- Roofs: These will be of a built-up construction whereby a Grass Roof finish is provided to both buildings. The grasses will consist of the same varieties as present in the adjoining fields including wild flower mixes such that the overall colour of the roofs will change to reflect the seasons of the year. These will also be highly likely to encourage use by ground nesting birds away from much prey.
- Roof lights: There will be round roof lights in the roofs as shown on the concept models which will distribute natural day lighting throughout the interior of the buildings which will give vitality to the internal spaces and reduce the need for artificial lighting.

A materials board will be available for Members at the meeting.

Ecology

- 5.20 As part of the application and in view of the identified presence of Great Crested Newts and other reptiles on the site and in the vicinity, the application has been submitted with a detailed ecological assessment.
- 5.21 Specific mitigation measures have been proposed as part of the application. These include the retention of a 2m wide separation corridor (bounded by a hedge and chain-link fence) along the site's western boundary to provide a wildlife corridor and protection to the existing ditch on adjacent land, a corridor along the northern boundary of the site that will be uncultivated to provide a linked corridor to the eastern boundary, the hedgerows along which will be maintained. Within the site 3 secured hibernacula will be created, a compost heap area formed, meadowland provided around the surgery (with a twice yearly cut) with areas set apart as rough grassland (two yearly cut) and a new pond.

Landscaping

- 5.22 Landscaping proposals have also been submitted. The proposals show the provision of a replacement native species hedgerow along the site's boundary with Grigg Lane behind the vision splays on the northern side of the existing ditch. The proposed hedgerows on the western and northern site boundaries will include the planting of Wild Service tress a 12m centres. Within the estate road street trees (Hornbeam) will be planted. Shrub beds adjacent to Plot 1 and within the car park area would be planted with wild spindle and holly and other native species.

Sustainability

- 5.23 A BREEAM health pre-assessment indicator has been submitted in respect of the surgery, this indicates that the building would achieve 64.27% which equates to a Very Good rating the threshold for which is 55%.
- 5.24 A BREEAM Education pre-assessment indicator for the nursery has been submitted. This indicates a potential 'score' of 60.31% again above the threshold of 55% which equates to a Very Good rating.
- 5.25 A Code for Sustainable Homes pre-assessment indicator has also been submitted. This shows that the development will achieve Code Level 3.

Highways

5.26 Discussions have taken place between the applicants and highway authority regarding the impact of the development on the local road network. The applicants have agreed to fund specific highway proposals set out below. The proposals would be secured through an agreement under s278 of the Highways Act which is currently being negotiated between the applicants and Kent Highway Services. I understand a draft agreement is not yet in place.

- i) the provision of passing bays in Grigg Lane,
- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases (i.e. 40m to the west of the site),
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.
- v) the extension of the existing 30mph speed limit north eastwards along Grigg Lane beyond the site boundary.

In addition, the applicants have also indicated that Travel Plans for the nursery and the Doctors' surgery would also be prepared and submitted and are willing to accept a condition to this effect.

5.27 The application was also accompanied by an arboricultural implications assessment, a planning, design and access statement, a housing needs survey, a statement of community involvement, a transport assessment and speed survey, a copy of the Council's Strategic Flood Risk Assessment and a Phase One contamination assessment.

6 Principle of development

Affordable Housing

6.1 The site is located in the countryside outside any defined settlement. There is therefore a general presumption against development unless justified in terms of any exceptions set out in Development Plan policy. Policy H30 of the Maidstone Borough Wide Local Plan (2000) referred to local needs housing within rural areas, however, this policy was not saved, and no longer forms part of the Development Plan. However, Policy H3 of the South East Plan (2009) does however refer to the need to provide affordable housing within rural areas.

6.2 In seeking to establish whether the principle of the development is acceptable, it is necessary to consider national policy guidance as well as relevant policies in the Development Plan, as there are no saved policies within the Local Plan.

6.3 As the site is in the countryside, the application should be considered against Planning Policy Statement 7 (PPS7). The more recently published Planning Policy

Statement 4 (PPS4), which has superseded and cancelled significant portions of the advice in PPS7 and Planning Policy Statement 3 (PPS3) should also be considered.

- 6.4 In respect of housing PPS7 states (Para.8) that the 'key aim of government policy is to offer everyone the opportunity of a decent home, with the needs of all in the community being recognised, including those in need of affordable and accessible, special needs housing in rural areas.'
- 6.5 Specifically in relation to the countryside, PPS7 applies (para.14) to the 'largely undeveloped countryside that separates cities towns and villages,' the character of which should be protected and where possible enhanced. Particular regard should be had to areas of countryside that have been statutorily designated for their landscape, wildlife or historic qualities.' Members will be aware that this site is not subject to a statutory designation either in terms of its wildlife or landscape but impact on the countryside is an important consideration.
- 6.6 PPS4 (Planning for Sustainable Economic Growth), has a similar aim to PPS7 in that it sets out the Government objective of raising 'the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.' Whilst recognising the need to "strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans" PPS4 also encourages planning authorities to "identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together." Policy EC12.1a of the PPS states that local planning authorities should "support development which enhances the vitality and viability of market towns and other rural service centres." Headcorn is a Rural Service Centre.
- 6.7 PPS3 (November 2006) sets out Government advice on Housing and is also relevant to this application. The PPS also emphasises the Government's commitment to providing high quality housing for people who are unable to access or afford market housing. Paragraph 30 of PPS3 states as follows:-

'In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites

to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.'

This Council has not identified sites for Rural Exceptions Housing.

- 6.8 In terms of the national guidance set out above, Headcorn is a defined service centre and I consider that the proposed development site is located close to the existing settlement boundary. In this respect, the advice set out within PPS7 and PPS4 that development should be focused on service centres and that development should take place on land within or adjoining settlements has been met. Both PPS7 and PPS3 encourage the provision of housing (including affordable housing to meet local needs) that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.
- 6.9 The residential element of the current application has been proposed in the light of an identified local need.
- 6.10 Turning to local and regional policy for affordable housing and particularly local needs ('exceptions site') housing of the type proposed in this application, the Maidstone Borough-wide Local Plan (Policy H30) and the former Kent & Medway Structure Plan (policy HP8) both contained an exceptions site policy but these were not saved in the case of the MBWLP and have fallen away in the case of the Structure Plan. The Council's Affordable Housing DPD December 2006 makes no specific reference to exceptions site policies but refers back to policy H30 of the MBWLP which has not been saved.
- 6.11 There is therefore no longer a local policy on which to consider local needs housing applications at either Borough or County level.
- 6.12 The South East Plan 2009 contains policy H3 on affordable housing which states as follows;

'POLICY H3: AFFORDABLE HOUSING

A substantial increase in the amount of affordable housing in the region will be delivered. Local authorities and their partners will work to bring together households in need with funding and new affordable housing stock to support this policy and the Regional Housing Strategy. This will be achieved by:

- i. basing policy and funding decisions on a sound evidence base, gathered through the strategic housing market assessment process. Assessments should examine housing need and demand in relation to both affordable and market housing and where markets cross boundaries should be conducted jointly between authorities

- ii. development and inclusion of targets for the provision of affordable housing, taking account of housing need and having regard to the overall regional target that 25% of all new housing should be social rented accommodation and 10% intermediate affordable housing. Where indicative targets for sub-regions are set out in the relevant sections of this RSS, these should take precedence over the regional target
- iii. setting affordable housing targets which are supported by evidence of financial viability and the role of public subsidy in the light of guidance from the regional planning body and the regional housing board
- iv. the incorporation of locally set thresholds covering the size of site above which an affordable housing contribution will be required. These may vary across a local authority area depending on the anticipated pattern of new development. Such thresholds will have regard to an assessment of economic viability, scale of need and impact on overall levels of housing delivery
- v. working with local communities in rural areas to secure small scale affordable housing sites within or well-related to settlements, possibly including land which would not otherwise be released for development.'

6.13 The supporting text for the policy refers back to paragraph 30 of PPS3 as outlined above. Paragraph 7.17 of the supporting text for policy H3 states;

"The need to provide more high quality affordable homes in the region's extensive patchwork of rural communities is also acute, given high prices and demand, the 'pricing out' of local populations and the need to support essential local services. Paragraph 30 of PPS3 sets out national policy on securing affordable housing in rural communities." (my underlining)

6.14 There is clear government general support for the provision of affordable housing including for 'exceptions sites' where a need has been demonstrated and this is reflected in the recent Regional Spatial Strategy. It is contended that such development helps to maintain a mix and a balance in a community and also helps to support local infrastructure and services. Central Government also indirectly funds local planning authorities through 'top-up' grants and financial support also comes directly from the Homes and Communities Agency.

6.15 A housing needs survey has been undertaken in the village and forms part of the application. The survey report clearly identifies that a need exists and that there a number of households that cannot satisfy their housing needs on the open market. This has been backed-up by a more recent register of interest.

Doctors Surgery and Nursery

6.16 In terms of the proposed doctors' surgery and nursery there are no policies in the Development Plan that directly support such development in countryside locations. Regard should however be had to PPS4, the most recent government advice. Both the nursery and the surgery fall within the definition of economic development set out in PPS4 as public and community uses. They are also

employment generating. The guidance in PPS4 at policy EC6.2(b) advises that local planning authorities should: -

'identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.'

- 6.17 Headcorn as a settlement has a good range of facilities and services and is classified as a rural service centre. The application site is well related to and is on the edge of the existing settlement and thus complies with the guidance in PPS4. Furthermore, the surgery has outgrown its current site and cannot provide the range of care facilities that are increasingly being demanded. The existing nursery is located in a series of temporary portable buildings that are nearing the end of their useful life. I consider in the light of the advice in PPS4 that the principle of locating the surgery and nursery in the application site is acceptable.
- 6.18 As a counter to this, it is acknowledged that most villages in the South East contain housing too expensive for some local people. This does not mean to say that housing and other forms of economic development should be allowed in any location. There are other considerations to consider and a balance has to be struck between the competing interests. Headcorn is however a Rural Service Centre and the proposed housing, surgery and nursery do comprise a mixed use development located on the edge of the existing settlement.
- 6.19 The question that should be considered however in respect of the proposed development as whole, is whether the current site is the most appropriate for the proposed development. It is clear from the information received from the Parish Council that only a minimal site search was undertaken following the compilation of the housing needs survey. The search was undertaken in conjunction with the Rural Housing Trust prior to them withdrawing from the project. It identified sites on the south side of Lenham Road to the north west of Thatch Barn Road, but the landowner was not prepared to release the land. The only other site that was discussed was land at Grigg Lane at Gibbs Hill Farm (opposite the current site) but it is understood that no formal offer was made.
- 6.20 The doctors undertook a more comprehensive site search having commenced their search for an alternative site in 2003. A shortlist of seven sites was ultimately considered. In drawing up the shortlist, the following criteria were taken into account by the practice.

'We have been looking for a site for new surgery premises since 2003 and have fully investigated all potential sites in the village. Full discussions were had with the Parish Council and subsequently with Mrs Fisher, Planning Officer at the time at Maidstone Borough Council regarding different opportunities. Mrs Fisher was very supportive of the practice wishing to relocate to new premises and pointed out the limitations of

development in Headcorn village itself. There is no development south of the railway, the village not being allowed to expand beyond the existing envelope. The rivers/flood plains restrict development in large parts of the village. The site that was eventually identified and purchased was the only viable available site. Extending the existing premises is not possible.'

Their site assessment is attached at Appendix One to this report.

- 6.21 One other site was proposed (not by the doctors who expressed their objections to the proposals) in an application (MA/05/0748: Outline application for the erection of a care home with associated EMI (Elderly Mentally Impaired) unit, closed care unit and doctors surgery) on land to the east of Oak Farm Gardens in Lenham Road. Permission was refused on 13 July 2005.
- 6.22 I have also considered whether the proposed site is appropriate for the three types of development proposed. Headcorn's environs are heavily constrained by their designation as land liable to flood. Significant areas of land immediately to the south, south east and west of Headcorn lie within designated Flood Risk Zone 3 and are not therefore suitable for development in principle. The development is such that sites also have to be of a certain size to accommodate all three elements.
- 6.23 In reality, this leaves areas of land along Maidstone Road to the north of the village on higher land north of Moat Road and also land to the north east of the village along both Lenham Road and Grigg Lane.
- 6.24 Turning to the Maidstone Road area, Maidstone Road is characterised by unbroken linear ribbon development on both sides of the road. Sufficient land does not become available until the vicinity of the Bowls Club. This is over 1km from the main village centre along a very busy road. I consider that in reality, sites in this vicinity would only be accessible by car. I also consider it to be too remote from the main residential areas of the village.
- 6.25 Members will have noted from paragraph 6.20 that the limited search undertaken by the Parish Council and the Rural Housing Trust did identify a site on the south side of Lenham Road adjacent to Thatch Barn Road, but the land owner was unwilling to make the land available. Application MA/05/0748 was submitted for health care facilities on the north side of Lenham Road to the east of Oak Farm Gardens. The doctors considered this site was unsuitable again due to its remoteness and objected to the proposals. They were not consulted by the applicants prior to its submission.
- 6.26 The currently proposed site is the only realistic option that has come forward for development and on which the landowner is prepared to sell. On this basis I consider that there is appropriate justification for both the local needs housing, doctors' surgery and nursery to be located on the application site. I consider that

each of these elements of the application will enhance the vitality and viability of Headcorn as a rural service centre.

- 6.27 I also consider the application site to be in a sustainable location. It is well related to facilities within the village in terms of the occupiers of the housing element and also from the main areas of housing within the village from which the clientele of the nursery and surgery will be drawn.
- 6.28 I consider therefore that the principle of the development is acceptable and that the site chose is also appropriate both in terms of its sustainability and also in terms of suitability/availability compared to other potential sites around and outside the settlement.

7 Visual impact on the countryside

- 7.1 A key consideration in relation to the application is the visual impact of the development on the countryside. Clearly there will be some change to the character of Grigg Lane if the development proceeds. It is therefore necessary to consider the impact of the development on the character of the countryside in terms of the site's layout and the design of the buildings. Other issues such as ecology, sustainability, impact on nearby residents and highway safety are dealt with later in the report. If the development is unacceptable in one of these areas, planning permission should not be granted despite the identified need.
- 7.2 The development will result in the loss of open farmland, and as such, the character of the immediate vicinity will be altered. However, it is also important to assess the impact of the proposal to the area as a whole, and in particular whether the development would significantly affect the medium and long distance views of the application site.
- 7.3 Whilst within the open countryside, the development would be within an area of sporadic development, with houses to the north-east, and south-west of the site together with a large nursery to the east of the application site. As such, whilst within the open countryside, the introduction of further built form within this site would not appear unduly incongruous. As one views the site from the south-west it is currently seen with a backdrop of substantial trees, and residential properties – namely Orchard End and Sydney House. Likewise when viewed from the north-east, the site has a backdrop of a substantial trees and residential properties. The proposal would see the retention of many of the existing trees, as such, this backdrop would remain relatively unaffected. As the properties would be a maximum of two storeys in height (approximately 8m to ridge) they would be relatively low level, with many of the trees along the boundary higher than the proposed properties, thus retaining the 'green edge.'

- 7.4 I do not consider that the proposal would have a detrimental impact upon long distance views from the east of the site. There is a significant level of screening along the eastern side of Grigg Lane, with many of the trees at this point in excess of 8metres in height. This, together with the landscaping proposed within the site, would soften the appearance of this development from long range views from the east. As the land is relatively flat in this direction, it would not be possible to obtain an elevated position over the site.
- 7.5 Whilst the land to the west and north does rise, this is with a gentle gradient, and as such, there would be no medium distance elevated views of the site as a whole. Long distance views from any elevated position would see the site in the context of the village as a whole, and would be viewed as clustered next to existing development. As such, whilst there would be a change in the character of the area within the immediate vicinity, I consider that the proposal would not significantly alter the medium to long distance views of the locality, and as such the impact upon the countryside is minimised.

Layout

- 7.6 Whilst the development will see the loss of an open field, care has been taken to ensure that the edge of the proposal retains a rural character. The site layout maintains a boundary hedge along the eastern boundary – which fronts the road - and retains the western boundary hedge which faces onto the open countryside, and also proposes a new hedge along the northern boundary of the site, which would further soften the development when viewed from outside of the site. It is acknowledged that the existing hedgerow along the boundary with Grigg Lane will need to be removed to enable the provision of the footpath and to provide the vision splays for the new access points. However, a new replacement hedge is proposed for this boundary on the development side of the existing retained ditch.
- 7.4 The proposed layout has provided for the low-scale surgery towards the front of the site, the nursery in the central area with the housing to the rear (north) and western side of the site. I consider the placing of the public buildings to the front of the site good urban design – creating a focal point, which is helped by their striking design, and creating an obvious presence along this road frontage. As the site is outside of the village confines, I consider it important that these buildings be prominent. In addition to the prominence of the buildings, their positioning also enables a good level of landscaping (both hard and soft) to be provided around the building, further integrating the development into its surroundings. A tree lined boundary separates the surgery and the nursery, with a small pond provided to allow for run-off also within this area. This would create a pleasant open area that could be utilised by the end-users of each premises.

- 7.5 The proposed houses are positioned within a straightforward layout around the southern and western boundaries within the application site. Whilst a simple layout, I consider that this addresses the constraints of the site, as well as providing a suitable setting and space around the public buildings at the front of the site. I consider it appropriate that the houses appear more subordinate, both in terms of their position, and their design.
- 7.6 The property closest to Grigg Lane (Plot 1) is set between 6m and 10m in from the existing highway with the intervening gap planted with native shrubs and Silver Birch trees. This provides the development with a suitable soft edge, and also draws the eye to the access point to the doctors surgery. In addition, the retained hedgerow trees and replanted hedgerow and proposed additional tree planting will provide an appropriate entrance to the development from Grigg Lane. The remaining length of the estate road is also to be planted with street trees (Hornbeam) to provide an avenue and soften the development further.
- 7.7 Once inside the site, the residential properties run along the south-western boundary, each provided with a small front garden and parking space. Each property also has a rear garden, which is considered a suitable size for family use. The properties are designed to incorporate projecting elements, which would add some variety and depth to this otherwise straight row of properties. I consider that this rather formal layout again emphasises the difference between these residential properties, and the softer curves of the public buildings.
- 7.8 Along the north-western boundary, a similar pattern continues. Projecting features are again prevalent, with the street pattern once more linear. It is only at the most northern point of the application site that the layout provides houses on either side of the street. This change in layout denotes the 'end' of the development successfully, ensuring that it has a defined character change. Here we see the retention of an existing, well established tree which would provide a focal point that draws the eye.
- 7.9 I therefore consider that the layout of the proposed development is well considered, and would provide not only a suitable public space, but would also provide a good quality of accommodation for the future residents. I therefore conclude that the proposal would comply with the objectives of PPS1 and PPS3 and the Kent Design Guide.
- 7.10 The visual impact of the development in terms of ecology has also been considered in the application. Care has been taken to maintain existing wildlife corridors and to provide new ones (along the northern boundary and to provide a connection between a retained pond in the remaining part of the current field some 15m north of the site and the corridors along the west and northern site boundaries. Appropriate land management and landscaping with an ecologic and biodiversity bias are also proposed to further mitigate the impacts of the

development in addition to the grass roofs on the nursery and surgery buildings.

Design

- 7.11 The surgery and nursery buildings are clearly contemporary in their design. The surgery and nursery will have green roofs with the grass sourced from species found on the current field. These buildings are also of a low scale with the walls of the surgery varying between 2.5m to 5.5m. This and the green roofs which will be visible from the Lane will assist in reducing the visual impact of the development. The green roofs, due to the use of grass sourced from species on the existing field will retain their greenness year-round.
- 7.12 Their curved and rendered external walls together with the fenestration detailing when combined with the significantly oversailing curved grass roofs formed from species found on the existing site, produce a vibrant and unique form of development. Despite the need to provide some car parking adjacent to the buildings due to their function, both will still have an acceptably green and landscaped setting, this will be managed in the interests of ecology and biodiversity.
- 7.13 The surgery and nursery are also clearly sustainable in terms of their design and proposed construction method, each having easily achieved at pre-assessment stage, a BREEAM® rating significantly above the threshold of Very Good.
- 7.14 The surgery and nursery buildings are considered to provide an interesting and acceptable foil to the more traditionally designed housing on the site. The housing is acceptable in form and uses elements such as the barn hips to the roofs and horizontal boarding found in local vernacular. The indicated materials are also acceptable.
- 7.15 The dwellings are less contemporary in their design and have elements of the local vernacular such as the use of barn hips and horizontal boarding. Whilst the overall design of the dwellings and the proposed stock brick is common throughout the site, variation is achieved by the changes in the colour of the horizontal boarding at first floor level. The indicated materials are appropriate and will provide an acceptable external appearance to the dwelling units. Each dwelling would have an area of private amenity space and there is room for an element of landscaping to the front of the dwellings to offset the impact of the on-plot parking spaces. The setting of the dwellings will also be enhanced by the proposed street trees. The dwellings will also be built to an appropriate standard of sustainable design and construction with the Code for Sustainable Homes pre-assessment indicator showing that Level 3 will be met.
- 7.16 I consider that the whilst the development will clearly result in change to the character of this section of Grigg Lane, the layout of the development and the

design of its individual elements including the landscaped setting provided, will result in a development that will not unacceptably impact on the character and visual amenity of the wider countryside to an extent where permission should be refused.

8 Impact on neighbouring properties

- 8.1 The site has clear, and well established boundaries, and as such, much of the proposal would be obscured from view from the neighbouring occupiers. Nonetheless, it is clearly important to assess the impact that the proposal would have upon the residents of the nearby residential properties.
- 8.2 The property closest to the application site; and most affected by the erection of residential properties would be 'Chance' which is located to the south-west of the application site. At present there is a good level of screening along this boundary which is to be retained. In any event, the proposed properties would be some 21metres from the side elevation of this property. This distance, together with the screening (both existing and with the provision of a new hedgerow) would ensure that there would be no significant loss of privacy to the occupiers of this property, nor would the proposal result in any creation of a sense of enclosure. I am therefore satisfied that the proposal would not adversely impact upon the amenities of the occupiers of this property.
- 8.3 Furthermore, I do not considered that there will be no adverse impact on either Elizabeth House (approximately 40m east of the single-storey surgery building) or Gibbs Hill Farm (in excess of 50m south east of the surgery building on the south side of Grigg Lane) arising from the development. Again, the distance between these properties, and the proposed development, together with the planting to be retained, and that proposed, would ensure that privacy be retained, and also that there would be no loss of light/creation of a sense of enclosure.
- 8.4 I do not consider that the use of the site is likely to give rise to any significant noise and disturbance to the nearby residents. A doctor's surgery would be a relatively quiet use, with work undertaken inside, and whilst the nursery would generate more noise, I do not consider that children playing would provide to be un-neighbourly in this location, as the openness of the site will aid in the dissipation of this noise.
- 8.5 I therefore conclude that the proposal would not detrimentally impact upon the residential amenity of the neighbouring occupiers, and as such complies with the policies within the Development Plan.

9 Ecology and Landscaping

9.1 As indicated earlier the site has been subjected to detailed ecological assessment in view of the known presence of great crested newts and other reptiles on and in the vicinity of the site. This is in accordance with the advice in Circular 6/2005 which advises at paragraphs 98 and 99 that

"The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature (Natural England) before granting planning permission."

"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."

9.2 Natural England have been consulted as part of the application process as advised under the circular and they have considered the ecological surveys submitted with the application. In respect of Great Crested newts they have stated that the proposals set out in the application, appear sufficient to mitigate any potential impacts on newt populations. They have also stated that whilst grass snake, common lizard and slow worms are present within the application site in areas that are to be affected by the development, the proposals set out in the application, also appear sufficient to mitigate any potential impacts on these species.

9.3 The application proposals clearly show the retention of appropriate corridors for the species and other mitigation measures including the provision of hibernacula and an appropriate management regime for the grassland and meadow land within the site. The specific details of this mitigation can be secured by means of an appropriate condition and the corridor along the northern boundary that is actually located outside the site boundary is being secured through an appropriate obligation as part of the s106 agreement.

9.4 I note the comments of Kent Wildlife Trust. I do consider that appropriate alternative site testing has been undertaken and that an identified need for the development has been demonstrated. The ecological mitigation measures proposed have been considered by Natural England who have raised no objections to the proposals.

9.5 I consider therefore, that the applicants have properly considered the issue of ecology in the submitted details and that no objections should be raised to the development on this issue.

9.6 The Landscape Officer has also commented on the application and raises no objections to the application subject to conditions. The trees that are to be removed along the western boundary of the site are not considered to be of any

significant amenity value either individually or as a group. A native species hedgerow is to be planted along this boundary at the edge of the wildlife corridor and also along the northern site boundary. The hedgerow on the northern and western boundaries will be supplemented by Wild Service Trees planted at 12m centres. On the eastern boundary a number of oak trees are to be retained along with the existing hedge along this boundary and appropriate tree protection measures/root protection areas provided.

- 9.7 The frontage of the site to Grigg Lane is also to be planted with a replacement native species hedgerow behind the retained ditch to enable vision splays to be provided. The existing hedgerow trees on this frontage will be retained. Adjacent to Plot 1, two Silver Birch trees are proposed and shrub planting consisting of Holly and Wild Spindle indicated. Holly bushes will be planted either side of the staff car park entrance. Further Holly and Wild Spindle together with Viburnum opulus will be planted in the car park between the surgery and nursery. Tree planting in the grounds of the nursery will comprise Hawthorns. Also within the development, Hornbeam street trees will be planted along the site access road to provide an avenue.
- 9.8 In addition to the above the ecologist has indicated an appropriate management regime for the meadow areas within the site around the surgery building.
- 9.9 I consider the landscaping scheme reflects the character of the area and will provide an acceptable setting for the development.

10 Highways

- 10.1 Kent Highway Services have considered the transport statement and the potential impact of the development on the local road network. Kent Highways have concluded that the level of traffic likely to be generated by the development can be accommodated on the local network.
- 10.2 A number of improvement measures have been secured from the applicant. These include a contribution towards the necessary Traffic Regulation Order to provide for the extension of the 30mph speed limit on Grigg Lane to beyond the site boundary, the provision of an extension to the existing footpath on Grigg Lane which currently terminates west of the site to the site, street lighting, passing bays in Grigg Lane and improvements to the surface and signage at the junction of Grigg Lane and Oak Lane.
- 10.3 The Parish Council have also requested the provision of a 'virtual footpath' (in effect a painted area on the carriageway) and other highway safety measures along Oak Lane. These had provisionally been agreed by the developer. The additional measures have been the subject of further consideration by Kent Highway Services. Their views are set out in paragraph 2.4.20. Whilst the

provision of a new footway or the 'virtual footpath' has not been deemed reasonable or necessary due to the lack of personal injury accidents within a ten year period, it has been suggested that appropriate signage warning of pedestrians in the carriage way is provided along with appropriate additional speed 'roundels' on the carriageway.

- 10.4 The proposed works are within highway limits and can be secured through an appropriate agreement under s278 of the Highways Act and can therefore be subject to a 'Grampian' condition. I understand that discussions are taking place with Kent Highway Services concerning the s278 agreement but that a draft has not yet been produced.
- 10.5 Concern has been expressed in relation to the proposed parking provision for the development. Kent Highways have raised no objections to the level of provision proposed for any of the elements of the development, whilst noting that the surgery parking and the nursery parking provision is below the maximum standard adopted by Kent County Council.
- 10.6 I would remind Members that the Council does not have parking standards adopted at a local level. I would also draw Members' attention to PPG13, which states as follows in paragraph 51:

"2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls;"
- 10.7 In respect of parking, the advice in PPS4 states under Policy EC8: Car Parking for non-residential development

"EC8.1 Local planning authorities should, through their local development frameworks, set maximum parking standards for non-residential development in their area, ensuring alignment with the policies in the relevant local transport plan and, where relevant, the regional strategy. Local planning authorities should not set minimum parking standards for development, other than for parking for disabled people."
- 10.8 PPS4 also states that local parking standards should apply and in the absence of a local standard (as is the case with Maidstone) the maximum standards set out in Annexe D to PPG13 should be applied. However, there is not a maximum standard for Class D1 development within which the nursery and the surgery fall.
- 10.9 The threshold set out in the KCC document 'Guidance on Transport Assessments and Travel Plans 2008' sets a level of 2500m² gross floor area for individual buildings for the submission of travel plans for development such as nurseries and surgeries falling within Class D2 of the Use Classes Order. The currently proposed surgery and nursery developments are considerably below this

threshold with a combined floorspace of 1020m². Despite this, the submitted traffic assessment sets out a commitment from the applicant to produce travel plans for the surgery and nursery. Kent Highway Services have agreed that an appropriate condition can be imposed requiring their submission prior to occupation of the premises. The travel plans will be backed up by appropriate user/mode surveys undertaken once the premises are occupied (3 months is indicated) which will then set revised targets aiming to reduce on a year on year based single-occupancy car based traffic. The impact of the measures will be monitored and reviewed over the life-span of the travel plans (initially five years).

- 10.10 Kent Highway services have also not raised any safety related issues to the proposed level of car parking for the development.
- 10.11 I do not therefore consider that any objections can be raised to the development on highway grounds.

11 S106 obligations and highway improvements

- 11.1 The heads of terms of the s106 agreement have been agreed as follows
- iii) To secure the development as 100% affordable housing.
 - i) To secure the occupation of the development by persons meeting local connections occupancy criteria
 - ii) To secure the provision of a wildlife corridor with appropriate management regimes on the land to the north of the application site.
- 11.2 Members will have noted that Kent County Council have not made any request for contributions as the development will be subject to local connections occupancy criteria.
- 11.3 The applicants have provided information that demonstrates that the requested contributions from West Kent PCT and any open space contribution required pursuant to the Council's adopted Open Space DPD December 2006 cannot be afforded as they would render the scheme unviable. The Corporate Property Manager has assessed the figures and agrees with the conclusions. On this basis the requests for a contribution towards Primary Health Care provision and an open space contribution are not included within the Head of Terms.
- 11.4 Members will have noted that the Parish Council made a number of requests relating to the s106 agreement and in particular tenure and a desire to be involved in the selection of the persons meeting local connections criteria. The response of the Housing section is set out in paragraph 2.11.4. The issue that the Parish have raised with regard to tenure had already been recognised and

the s106 agreement will be drafted in agreement with the applicants to reflect a desire to achieve up to 8 shared ownership units. The other concerns regarding eligibility and selection of people who may meet the local connections criteria cannot be accommodated. The wording of the appropriate s106 agreement clauses on this issue will reflect the Council's normal practice.

- 11.5 The package of proposed and highway improvements agreed by the developer and the highway authority as discussed earlier in the report is to be secured through an agreement between the applicants and the highway authority pursuant to s278 of the Highways Act. The improvements are as follows:-
- i) the provision of passing bays in Grigg Lane,
 - ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases (i.e. 40m to the west of the site),
 - iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
 - iv) the provision of street lighting in Grigg Lane.
 - v) the extension of the existing 30mph speed limit north eastwards along Grigg Lane beyond the site boundary.

A 'Grampian' style condition preventing occupation of the premises until the improvements have been undertaken can be imposed.

12 **CONCLUSIONS**

- 12.1 The proposed development will provide enhanced medical and childrens' nursery facilities for the settlement of Headcorn in purpose-built buildings of good quality design both in terms of appearance and also sustainability in construction. In addition the housing element of the development will meet a clearly identified local need and be limited to local connections criteria that will be secured through appropriate s106 obligations.
- 12.2 It is acknowledged that the development will have an impact on the countryside. An assessment has been made of alternative locations for the development. As stated earlier in the report Headcorn and its surroundings are heavily constrained by flood risk zoning leaving site along Lenham Road and Grigg Lane as realistically the only areas suitable for development that are close enough to the main centre and residential areas of the village. Sites in Lenham Road have been previously explored and landowners not willing to cooperate. This site is suitable for development in that it is available, is not subject to flooding and the fact that it is acceptably located in relation to the main residential areas of the village and the facilities at its centre.

- 12.3 Due to its location in the countryside the impact of the development has been mitigated through the scale and design of the buildings and through the proposed landscaping and site management measures set out earlier in the report. I also consider that appropriate account has been taken of the ecological implications arising from the development and that appropriate mitigation has been proposed as part of the development.
- 12.4 There will be no adverse impact on the local highway network and appropriate mitigation measures such as the extension of the 30mph speed limit and the provision of footpaths, street-lighting and improved signage/surfacing at the junction of Grigg Lane and Oak Lane and along Oak Lane have been secured. Kent Highway Services are content that the development will not have an adverse impact on highway safety.
- 12.5 I consider that subject to the mitigation in terms of both landscaping and ecology proposed as part of the application being secured and given the identified need for the development that has been demonstrated, the development is considered on balance to be acceptable with the need outweighing the physical impact of the development.
- 12.6 Whilst a departure from the Development Plan, which has been advertised as such, it is not necessary to formally refer the development to GOSE, as the development does not fall within any of the criteria set out in the Town and Country Planning (Consultation) (England) Direction 2009.

RECOMMENDATION

SUBJECT TO:

- a) The prior completion of a legal agreement, in such terms as the Head of Corporate Law and Legal Services may advise, to secure;
- a) The development as 100% affordable housing.
- a) The occupation of the development by persons meeting local connections criteria.
- b) The provision of a wildlife corridor with appropriate management regimes in the land to the north of the application site.

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following 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, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 pursuant to policy CC6 of the South East Plan 2009.

3. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to policy BE6 of the South East Plan 2009.

4. 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) 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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

6. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

7. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;
 - i) Details of the roof overhangs and eaves.
 - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
 - iii) Details of the soldier courses.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

8. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009.

9. Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

10. Prior to the commencement of any works which may affect great crested newts or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

11. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The subsequently approved spaces shall be provided prior to the first use of the building(s) they serve and shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car pursuant to the advice in PPG13.

12. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant the advice in PPS1.

13. Notwithstanding the provisions of 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) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to policy CC6 of the South East Plan 2009 and the advice in PPS1.

14. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,
- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees
- iii) details of the planting specification and long term management of the meadow areas within the site in the interests of ecology and biodiversity
- iv) details of the proposed hibernacula and compost areas
- v) details of the species, size, density and location of all new planting within the site
- vi) details of the specification and species proposed for the green roofs of the surgery and nursery buildings and a long-term management programme

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

15. 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 setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

16. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy NRM7 of the South East Plan 2009.

17. The development hereby permitted shall not be occupied until the following highway works have been completed in accordance with a detailed design and specification that has been submitted to and agreed by the local planning authority before the highway works commence;

- i) the provision of passing bays in Grigg Lane,
- ii) the provision of a footpath including dropped kerbs from the site to the point to the west of the site opposite to where the existing footpath in Grigg Lane currently ceases,
- iii) the provision of new road surfacing, signage and road marking at the junction of Grigg Lane and Oak Lane and along Oak Lane,
- iv) the provision of street lighting in Grigg Lane.

Reason: In the interests of pedestrian and vehicular safety pursuant to the advice in Manual for Streets.

18. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

19. The doctors' surgery shall achieve a minimum BREEAM(r) Healthcare rating of at least very good. The doctors' surgery shall not be occupied until a final certificate has been issued for it certifying that a BREEAM(r) Healthcare rating of at least very good has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

20. The children's' nursery shall achieve a minimum BREEAM(r) Education rating of at least very good. The nursery shall not be occupied until a final certificate has been issued for it certifying that a BREEAM(r) Education rating of at least very good has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

21. No part of the doctors' surgery and children's' nursery hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the

Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

Informatives set out below

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.

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

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

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

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

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the provisions of policy H3 of the South East Plan 2009 and the advice in PPS3: Housing. It is also considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.