

APPLICATION: MA/12/0148 Date: 31 January 2012 Received: 1 February 2012

APPLICANT: Dr Winch & Thorp, Headcorn Surgery

LOCATION: LAND EAST OF CHANCE, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Erection of new Doctors' Surgery including a Pharmacy with associated car parking and access road as shown on drawing nos. 10.039/22, 10.039/23, Design and Access Statement and BREEAM Pre-assessment report received 31/01/2012, Ecological Mitigation and Landscape Strategy received 02/02/2012, letter dated 09/05/2012 received 1005/2012, drawing nos. 10.039/20revB, 10.039/21/revB and 10.039/29 received 09/07/2012 and landscape plan 1204/12/1/A and coloured CGI images received 31/07/2012.

AGENDA DATE: 30th August 2012

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
- It is a major/controversial development

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV34, ENV49, T13, R11, CF1
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, C4, NRM5, BE4, BE5, T4, S2, S6, AOSR7
- Government Policy: National Planning Policy Framework

2. HISTORY

- 2.1 MA/09/2297: Mixed use development comprising Doctors surgery, children's nursery school, plus 16 three bedroom and 9 two bedroom Local Needs housing units: APPROVED 05/07/2010
- 2.2 Work has commenced on constructing the local needs housing element of the original permission. The childrens' nursery or doctors' surgery buildings have yet to commence construction.

3. CONSULTATIONS

3.1.1 Headcorn Parish Council: 'Would wish to see approved and would wish to see this application reported to the planning committee.'

'Headcorn Council fully recognises the need for this new surgery and wish to support it. The village has expanded and is still expanding and has considerably outgrown the existing surgery in the centre of the village. However it is concerned with the inclusion of the pharmacy in this application due to the consequential effect on the viability of the High Street and the difficulties that some residents may have in accessing this pharmacy.

Headcorn Parish Council would therefore request that the following conditions are considered:-

1. An impact statement be prepared on the effect on the viability of the High Street of moving the pharmacy from the High Street to the new building, in accordance with planning statement R1, R10 and R11 of the Maidstone Borough Wide Local Plan 2000.
1. Provision of additional traffic calming for Grigg Lane and provision of suitable pavements, both over and above those agreed for the original planning permission, due to additional traffic generated by the pharmacy.
2. Provision of additional street lighting in Grigg Lane and Oak Lane over and above that agreed in the original planning permission, due to additional traffic generated by the pharmacy.
3. Provision of additional landscaping between the new surgery building and Elizabeth House to minimise the impact of the new building which is now effectively nearer overall to Elizabeth House.
4. In view that a pond has been included in the plans, consideration as to whether it is necessary and if so details of its management should be included, with reference to the pond's impact on Elizabeth House.'

3.1.2 Additional comments were received following receipt of the recently revised plans.

'Please be advised that my Council would wish to see the amended plans associated with your letter dated 11th July be approved. All other comments forwarded via email dated the 29th February remain the same.'

3.2 KCC Biodiversity: Do not object

'Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. We have reviewed the mitigation strategy submitted with this application and we are

satisfied with the information provided. If planning permission is granted the implementation of the mitigation strategy must be a condition of planning permission.

Bats

Bats have been recorded within the surrounding area. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design for the surgery (see end of this note for a summary of key requirements).

Enhancements

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We acknowledge that the mitigation strategy has already detailed enhancements which will be incorporated in to the site. While this is welcomed further consideration should also be given to including bat roosting features in to the new surgery - through the inclusion of bat tiles, tubes or bricks.'

3.3 Natural England: Do not object and have advised that following their formally issued standing advice and have commented as follows

'We used the flowchart on page 10 of our Standing Advice Species Sheet: **Bats** beginning at box (i). Working through the flowchart we reached Box (vi), advises the authority to accept the findings, consider requesting biodiversity enhancements for bats (eg new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with PPS9 and Section 40 of the NERC Act.

We used the flowchart on page 6 of our Standing Advice Sheet - **Hazel Dormouse** beginning at box (i). Working through the flowchart we reached Box (iii), advises the authority to accept the findings, consider requesting biodiversity enhancements for dormice (e.g. creation of habitat linkages) in accordance with PPS9 and Section 40 of the NERC Act.

We used the flowchart on page 8 of our Standing Advice Species Sheet - **Great Crested Newt** beginning at box (i). Working through the flowchart we reached Box (xiii), advises the authority that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy for great crested newts.

We used the flowchart on page 7 of our Standing Advice Species Sheet - **Reptiles** beginning at box (i). Working through the flowchart we reached Box (xi), advises the authority that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms.

On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and Reptiles, and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority

should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.'

3.4 Kent Highway Services: Do not object

'The principle of this development and highway related conditions were previously agreed under planning application MA/09/2297.

The proposed surgery is 605m² with 32 car parking spaces and parking for 10 bicycles. Advice on parking provision is given in the Kent & Medway Vehicle Parking Standards which recommends 1 space per 2 staff and 4 spaces per consulting room. 18 full time staff and 20 part time staff are to be employed; however no full time equivalent has been given. Assuming that this is equivalent to a total of 28 full time staff 14 staff spaces would be required. There are 5 consulting rooms which would require 20 parking spaces; therefore the maximum parking requirement in line with the standards would be 34 spaces. The 32 spaces proposed are therefore considered to be acceptable.

In view of the above I can confirm that I do not wish to raise objection to this application.'

3.5 Environment Agency: Do not wish to comment

'We have assessed the application and have determined that it poses a low environmental risk, taking into account the details in the application and the proposed locations. We therefore have no comments to make on the application.'

3.6 Southern Water Services: Southern Water has advised that they require a formal application for connection to the public foul sewer to be made by the applicant or developer. Noting that reference is made to the intention to use a SUDS drainage system they comment that it is for the applicant to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Southern Water have set out the contact details for the formal application to connect to the foul sewer to be made and have also suggested the need for the applicant to contact Southern Water's Trade effluent inspectors, as the development may produce a trade effluent.

3.7 West Kent PCT:

In terms of supporting information, this proposed GP premises development is fully supported by West Kent Primary Care Trust.

The Primary Care Trust has also noted that the Pharmaceutical Regulations Committee approved the relocation of the Headcorn Pharmacy to the proposed

development in Griggs Lane, Headcorn. The committee were satisfied that there would be no interruption to the provision of services.

- 3.8 **MBC Environmental Health:** Have confirmed that there are no Environmental Health issues with regard to the application.

4. REPRESENTATIONS

- 4.1 Twenty letters of representation have been received in relation to the application this includes a petition signed by 286 people (not all resident of Headcorn) objecting to the application. Objections are raised on the following (summarised) grounds:

- The design is more traditional and acceptable but the site is too far outside the village
- Insufficient parking particularly that the development will include the pharmacy for which many people will have to make a specific trip
- Loss of the pharmacy from the village centre which will leave another vacant property in the High Street
- The loss of the pharmacy from the High Street will cause inconvenience to users and a loss of a needed facility
- Impact on highway and pedestrian safety as result of the relocated pharmacy in particular and the need for people to walk along Oak Road and Grigg Lane and the increased traffic generated
- Loss of privacy to Elizabeth House
- Inadequate landscaping along the boundary with Elizabeth House a close-boarded fence should be erected
- Adverse impact of noise from the use and activity at the site on occupiers of Elizabeth House
- Additional ponds will lead to more noise from invasive species such as marsh frogs which already cause intrusive noise and disturbance
- Land included as part of the original s106 agreement as part of the mitigation strategy is under the ownership/control of a third party and cannot be used to provide mitigation.

- 4.2 The Headcorn Patient Participation group have written in support of the application, referring to the 8 year long search to find a suitable site and this site being ultimately the only one suitable, the fact that the doctors are hampered by their existing premises in terms of the treatment and services they can provide. They state that the new surgery will ensure Headcorn has some of the best care available to any rural part of the county

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located on the north side of Grigg Lane approximately 270m north east of its junction with Oak Lane. It is part of a larger site subject to the permission granted under application MA/09/2297 which amounts to 0.90ha in area. The area of the current site which relates solely to the proposed doctors' surgery and car park.
- 5.1.2 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 saved policy ENV34 of the Maidstone Borough-wide Local Plan 2000.
- 5.1.3 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.
- 5.1.4 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.
- 5.1.5 The site as a whole is relatively flat, although it does fall approximately 0.5m from north to south and by approximately 0.25m from east to west.
- 5.1.6 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.
- 5.1.7 Elizabeth House is a two-storey dwelling located on the adjacent plot to the north-east of the application site. It has first 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.

- 5.1.8 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.
- 5.1.9 The buildings at Chance Holdings to the west of the application site are single storey wooden buildings and are well screened by existing planting.

5.2 Proposal

Previous proposal

- 5.2.1 As previously approved the doctors' surgery building was single-storey in form. The roof was shown to be formed of a series of curved 'lips' that rise from one end to the other. The building was indicated to accommodate 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.
- 5.2.2 It would have been constructed using the 'Beko' method of construction and finished externally in off-white smooth cast rendered for the walls and a green roof. The roof form of this building would differ from the nursery building approved under application MA/09/2297 in that it would comprise a series of separate curved roof forms. A series of sun-pipes would also have been located on the roof of this building to provide internal light.
- 5.2.3 The plan form of the doctors' surgery as approved showed a building of approximately 49m in length and varying from approximately 18m in width to 9.5m in width. The walls would have varied in height from 5.5m to 2.8m and would be curved. The roofs would over-sail the walls by up to 2m approximately. The building would have been a maximum of approximately 7m in height.
- 5.2.4 Proposed parking provision for the surgery as previously approved would have comprised 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 have been a separate doctors'/staff car park with a second access point off Grigg Lane comprising 12 bays including 2 disabled bays.

Current proposal

- 5.2.5 The current application seeks to provide a building of more traditional form and appearance than the previously approved contemporary 'organic' design. The design as now proposed is redolent of a barn-like structure. The main reason for the change in approach to the design is that the originally approved building did not ultimately meet the PCT requirements for a doctors' surgery. Principally it was the numbers, layout and shape of the rooms that did not meet the requirements. This application also includes the provision of a pharmacy within the building.
- 5.2.6 In plan form it would be approximately 41.98m in overall length and a maximum of 22.59m in width on the section of the building closest to Grigg Lane. The building is arranged with a taller section in the centre, which has maximum height of approximately 6.3m, and lower sections at either end (closest to Grigg Lane and the proposed housing), which have heights of 4.38m. These projections would have flat roofs behind up-stand sections. Eaves height of the building is 2.5m. It is proposed to set the building into the ground by 300mm and a finished floor level of 22.4mAOD has been set and shown on the drawing. The building as submitted was originally proposed at 6.8m in height.
- 5.2.7 Since the application was submitted, the proposed building has been rotated and moved within the site so that it is further away from Elizabeth House to the east. It is 6m away from the site boundary at its closest point (5.5m previously) and at the closest point of the building to Grigg Lane it is 20m from the eastern site boundary with Elizabeth House compared to 9m previously. It remains 7m from Grigg Lane at its closest.
- 5.2.8 The surgery building would have a plain clay tile roof with a red/brown stock brick plinth with the main facades finished either in black feather-edged boarding or yellow/buff stock brick. The entrance would have a pitched roof canopy supported in timber columns. The Pharmacy would have a separate entrance also with a canopy to allow for access when the surgery is closed. The eaves would have exposed rafter feet.
- 5.2.9 Four dormer windows are shown in the roof on the south west elevation, to help break up the expanse of the roof. The only first floor accommodation currently proposed is for the records room at the northern end of the building. A lift-shaft and stairwell are also to be provided at this stage to assist future expansion as required. The records room and the stairwell would be lit by rooflights and one of the dormer windows. No windows would face towards Elizabeth House.
- 5.2.10 The surgery would comprise 4 consulting rooms, treatment and minor ops rooms and two health care assistant rooms along with administration patient

waiting room and staff facilities. A new addition is the inclusion of a pharmacy within the surgery which would replace the existing pharmacy owned by the practice in the High Street.

- 5.2.11 The building is required by the Primary Care Trust to achieve a BREEAM Excellent rating. The pre-assessment report submitted indicates that all minimum standards to achieve such a rating have been achieved but that further work, (which is on-going) is required to raise the score from 66.31% to the 70% required. (The previous surgery design achieved 64.27%). Solar thermal panels and photovoltaic panels will be sited on the flat roof sections behind the up-stand pitched roof sections so that they are not visible from the street. It is currently proposed to power/heat the building using an air-source heat pump.
- 5.2.12 A revised mitigation strategy has been submitted to take into account the revised position of the surgery on the site. A pond is still proposed to the eastern side of the surgery building along with wildflower meadows. A landscape plan has also been submitted which also provides for a mixed native species hedge and shrub beds (including the use of Hazel, Hawthorn Holly, Privet, Dog rose, Purging buckthorn, Guelder rose, Dogwood, Ivy) to the northern and western sides of the surgery with planting areas closest to the surgery also utilising honeysuckle, cotoneaster, snowberry, cistus, escallonia, various roses and hydrangea. The proposed trees comprise Field maple (3), Oak (3), Rowan (3), Wild Service Tree (3) and Silver Birch (1) varying from Standard (Silver birch and Service Tree) through Heavy Standard (Rowan) to Specimen size (Field maple, Oak) when planted.
- 5.2.13 A staff car park of 10 spaces (1 disabled bay) is proposed and would use the existing access off Grigg Lane to the site. The patients' car park would be accessed from the road serving the housing development and would comprise 18 spaces (4 disabled bays), a further 4 spaces would be located outside the surgery gates. Cycle parking is proposed close to the surgery entrance.

5.3 Principle of Development

- 5.3.1 Whilst the site is located in countryside outside the defined settlement boundary, a doctors' surgery has previously been approved on this site under application MA/09/2297 and as such the principle of this type of development on this site has been established. No objections are therefore raised.
- 5.3.2 Planning permission was granted previously due to the overriding need demonstrated for the new surgery (and the demonstrated need for the associated 'local needs' housing) and not the design of the new surgery and nursery buildings.

5.3.3 The main change to this current proposal is the proposed inclusion of a pharmacy within the building. The pharmacy would relocate from its current premises (owned by the doctors' practice) in the High Street in the centre of the village. Concern has been raised due to the loss of the facility from the High Street and the impact on its users particularly on those living on the west side of the village.

5.3.4 Policy R11 of the Borough-wide Local Plan 2000 is relevant and states:

POLICY R11: IN CONSIDERING PLANNING PROPOSALS WHICH WOULD INVOLVE OR REQUIRE THE LOSS OF EXISTING POST OFFICES, PHARMACIES, BANKS, PUBLIC HOUSES OR CLASS A1 SHOPS SELLING MAINLY CONVENIENCE GOODS, PARTICULARLY IN VILLAGES, CONSIDERATION WILL BE GIVEN TO THE FOLLOWING:

**(1) FIRM EVIDENCE THAT THE EXISTING USES ARE NOT NOW VIABLE AND ARE UNLIKELY TO BECOME COMMERCIALY VIABLE; AND
(2) THE IMPACT ON THE LOCAL COMMUNITY AND ESPECIALLY ON THOSE ECONOMICALLY OR PHYSICALLY DISADVANTAGED; AND
(3) THE AVAILABILITY OF COMPARABLE ALTERNATIVE FACILITIES IN THE VILLAGE OR THE LOCAL AREA; AND
(4) THE DISTANCE TO SUCH FACILITIES AND THE AVAILABILITY OF TRAVEL MODES OTHER THAN BY PRIVATE MOTOR VEHICLE.**

5.3.5 The applicants have provided information on the running of the existing pharmacy. They state that 90-95% of the prescriptions handled by the pharmacy originate from the surgery, with little passing trade. They confirm that the delivery service will continue to operate from the new premises. They have also cited the fact that many of the products they sell in the pharmacy are sold by other outlets in Headcorn, such as Sainsbury's and the Factory outlet shop and at prices which it is not possible to compete against. They also state that the opening of the Photographic studio on the High Street has reduced the income of the pharmacy from photo related products and goods by 95%. They state the advantages of patients collecting their medicines from the pharmacy when located next to the surgery that prescribed them avoiding additional journeys.

5.3.6 The applicant's also advise that the proposed relocation of the pharmacy has been considered by the Pharmaceutical Regulations Committee who have agreed the move having been satisfied that there would be no interruption to the provision of services and on the following points:-

- the existing and proposed premises were situated in the defined neighbourhood,
- that whilst the distance was more than 500m there were no significant barriers to pedestrians (or vehicular) movement between the sites,
- the population served would be substantially the same, and;

- that a delivery services is provided and will continue to be provided for the new site.

5.3.7 In terms of policy R11, whilst I note that the new site is further away from some of the village population, conversely however, it is closer to others. It is a fact that the pharmacy would not be lost and that as such policy R11 would not be contravened. Given the extent of the existing link between the two uses and the continuing potential for linked trips between the surgery and the pharmacy, I raise no objections to its inclusion on the site.

5.3.8 No objections are therefore raised to the principle of the development.

5.4 Design and Visual Impact

5.4.1 Clearly the switch from the previously approved more contemporary approach to the design of the surgery building to the current 'barn-like' more traditional approach could be argued to be a retrograde step in that the organic form of the building and its series of raised and curved green roofs have been replaced by a building with a more traditional and hence more massive roof form, that potentially has a greater visual impact on the area. It is noted however, that the current building is overall some 41.9m in length compared to the 49m previously approved albeit slightly wider at 22.5m maximum compared to 18m previously.

5.4.2 The main visual impact of the current proposal does clearly arise from the changed roof scale and form of the currently proposed building which is now longer and has a uniform ridge height for much of the building and as a result has a greater mass, than the originally approved series of raised curved roofs.

5.4.3 The building is now however, some 6.3m in height at its maximum compared to the 7m previously approved and additionally is proposed to be set into the site by 300mm to reduce the impact further. The building itself has lower additions at its northern and southern sides which have reduced the length of the main roof ridge to approximately 22.5m. The bulk of the roof is broken up by the proposed dormer windows, the entrance canopy and the use of a hipped roof form. On balance I consider that the roof would have such an unacceptable visual impact on the character of the area as to warrant and sustain refusal.

5.4.4 In terms of the design of the building, I do not raise objections in principle to the revised approach, which has sought to draw on elements of a traditional barn. Overall, the height of the building is not excessive at 6.3m and the projections add interest and vitality to the building and break up its length. The proposed materials, a red brick plinth with black feather-edged boarding/yellow/buff stock brick walls under a plain clay tile roof are considered

to be acceptable subject to precise materials being agreed by condition. A materials board will be available at the meeting.

5.4.5 The requirement for the building to achieve a BREEAM Excellent rating is noted. I am satisfied that the additional credits can be found to raise the current predicted score to the 70% threshold required. This can be secured by means of an appropriate condition.

5.4.6 On balance, whilst the move away from the more contemporary design is regretted, the revised design is considered to be acceptable in terms of its potential visual impact on the character and visual amenities of the area. Members are reminded that it will be seen in the context of the adjacent two-storey housing that will be taller and potentially more intrusive.

5.5 Residential Amenity

5.5.1 The revised position of the surgery has moved the building so that is sited approximately 33m from the flank wall of Elizabeth House located to the east of the site and which is the closest dwelling to the site. I consider that the degree of separation is acceptable. There are no windows in the roof of the surgery looking towards Elizabeth House and there is also intervening landscaping and existing hedgerows that will be retained.

5.5.2 Given the separation distance (20m from the flank of Elizabeth House) and the existing retained landscaping, the proposed staff car park and its will not result in an unacceptable loss of amenity to the occupiers of Elizabeth House.

5.5.3 The comments of the occupiers of Elizabeth House concerning the noise from amphibians in existing ponds nearby and potentially from the proposed pond are noted. This is not considered however to be a sustainable reason to refuse permission.

5.5.4 No objections are raised to the development in terms of its potential impact on residential amenity.

5.6 Highways

5.6.1 Kent Highway Services have not raised objections to the development. The following improvements to the local highway network were secured through the earlier permission, which is now being implemented through the construction of the housing.

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.

The changes are required to be implemented prior to first occupation of any part of that development.

5.6.2 I do not consider that the revised design of the surgery building or the inclusion of the pharmacy, which as stated earlier derives 90-95% of its trade from prescriptions issued by the surgery will result in any unacceptable impact on the local road network.

5.7 Landscaping and ecology

5.7.1 The revised position of the development within the site has enabled appropriate landscaping and ecological mitigation to be provided.

5.7.2 The proposed landscaping scheme is described in paragraph 5.2.12 earlier in the report and follows the principles established under the earlier permission with a framework of native species hedgerows around the surgery site boundaries to provide connecting habitat to the site perimeters and also proposes the use of wildflower meadows and the creation of a new pond to the east side of the surgery. This provision was also secured through the earlier permission.

5.7.3 The details of the mitigation have been considered by both Natural England and the KCC biodiversity team and no objections have been raised by either body subject to the adoption of further enhancement measures for bats (bat bricks/tubes or boxes) and dormice (habitat connection) which can be secured by appropriate condition.

5.7.4 Given the earlier s106 agreement which related to the implementation of a wildlife management plan for a different on-site layout, I consider that it will be necessary to enter into a revised agreement, either a fresh agreement or a Deed of Variation reflecting the new planning permission and the re-sited building. Subject to the above, I am satisfied that the proposed landscaping and mitigation are acceptable and will provide appropriate enhancement of the site.

5.7.5 As stated earlier, works have commenced on site to implement the local needs housing. The necessary European protected species licence was obtained in 2011 and actioned prior to any works commencing on site. Appropriate barriers were put in place around the site and translocation as required undertaken prior to

works commencing. However, given the representations received regarding part of the original mitigation land (on the western part of the site not within the surgery site), I am currently awaiting further comment from Natural England and the KCC Biodiversity team as to the implications, if any. I will advise Members further at the meeting.

5.7.6 In relation to the completion of the current s106 agreement dated 5 July 2010, appropriate searches with the Land Registry were undertaken prior to its completion and those searches identified no parties other than those signed up to the agreement, as having an interest, as owners, in the development land. Subsequent to the completing of the s106 agreement, two individual third parties were registered by the Land Registry as owners of part of the mitigation land strip, on the basis of their adverse possession of it. They have indicated they do not want to offer up this land strip for mitigation land. The Head of Legal Services has advised the s106 agreement was properly completed by the identified land owners, and is of the opinion that the agreement is binding on those land owners, and successors in title.

6. CONCLUSION

6.1 The Doctors' surgery as now proposed is considered to be acceptable in terms of its design and siting. The recent reduction in the roof height and re-siting of the building has reduced the previous potentially adverse impact on Elizabeth House and the building would not now result in any loss of privacy or unacceptable loss of amenity to the occupiers of that property in my view.

6.2 Whilst the loss of the more organic building with its series of green curved roofs and its replacement by a building with a roof of a larger mass is regrettable, at 6m to the ridge the new building is not overly tall and the proposed 300m cut into the ground for the building will reduce any impact further. The building would also be seen in the context of the two-storey (and taller) housing currently under construction on the remainder of the site. I do not consider therefore that the building would result in unacceptable visual harm to the character and appearance of the surrounding area.

6.3 The landscaping and mitigation details submitted with the application are acceptable and the additional enhancements suggested by Natural England and the KCC Biodiversity team can be secured by condition.

6.4 There remains a need for a new Doctor's surgery in the village and this site already has permission for such a building. The site was secured after an extensive search for a suitable site. I consider that the proposed inclusion of the pharmacy in the building is acceptable, given the relationship and the linkage between the two uses. Clearly there is disquiet in the village over the new

location. Some people will need to travel further but to others the pharmacy/surgery will be nearer. It is also the case that a lot of the products sold in the pharmacy can and are being retailed at other outlets in the village.

- 6.5 Subject to the revised s106 agreement and appropriate conditions the development is considered acceptable

7. RECOMMENDATION

Subject to

A: the prior completion of a s106 Agreement or a Deed of Variation to the agreement entered into under application MA/09/2297 to secure a revised wildlife management plan as a result of the re-siting of the building;

The Head of Planning be given Delegated Powers 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 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.

3. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings with the surgery building have a finished floor level of no higher than 22.40mAOD;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policy CC6 of the South East Plan 2009.

4. 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.

5. 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 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.

6. 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, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, 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 policy CC6 of the South East Plan 2009.

7. 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.

8. 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 the form of the brick plinth.
- iii) Details of the entrance canopy to the surgery and pharmacy.

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 policy CC6 of the South East Plan 2009.

9. Prior to the commencement of any works which may affect reptiles or their habitat, and great crested newts and 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. The development shall not commence until details of mitigation and enhancement measures within the site for Dormice and Bats have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

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 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 the NPPF 2012.

12. No part of the doctors' surgery 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 policy T5 of the South East Plan 2009.

13. The doctors' surgery shall achieve a minimum BREEAM rating of Excellent. The building shall not be occupied until a final certificate has been issued for it certifying that a BREEAM rating of excellent 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.

14. 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.

15. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) '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 ENV6 of the South East Plan 2009.

16. No additional floorspace shall be formed within the building or additional windows placed, formed or inserted into the roof of the building hereby permitted without the prior approval of the local planning authority.

Reason: To protect the privacy and amenity nearby residents and to ensure a satisfactory appearance to the building pursuant to policy CC6 of the South East Plan 2009.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:
10.039/20revB, 10.039/21revB, 10.039/29 and 1204/12/1revA;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009.

Informatives set out below

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the

roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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 in connection with the construction of the development hereby permitted 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.

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.

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

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

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

The 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 policies S2 and BE4 of the South East Plan 2009 and the advice in the National Planning Policy Framework 2012 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.