

**Item no. 15**

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**Address**

**Reference no. MA/12/0148**

**Land east of Chance Grigg Lane  
Headcorn**

### **Representations**

Solicitors acting for the adjacent landowner to the west (Chance Holdings) have confirmed their view that the original s106 agreement completed under application MA/09/2297 is not binding on the Chance Holdings land and that it is not enforceable. They cite Counsel's opinion (unseen by the Council) in support of this.

The agent has confirmed that the West Kent Primary Care Trust (PCT) have now confirmed that the surgery building should meet a minimum of BREEAM Very Good not Excellent as stated in the report.

### **Officer Comment**

Comments have been made by the Parish Council and others that the development does not accord with policy R1 or R10 of the Borough-wide Local Plan 2000 in that the vitality and viability of Headcorn High Street would be adversely affected. I do not consider that the closure of the pharmacy in the High Street would be of such a scale as to adversely affect the viability and vitality of the village centre. Clearly footfall patterns may change as the new pharmacy would be within the surgery building and that 90-95% of the prescriptions handled by the pharmacy are issued by the surgery. However, as set out in the report, a number of premises in the village sell goods that the pharmacy also sells and that a range of 'over the counter' medicines are also sold in the Sainsbury store and elsewhere. There would not therefore be a complete loss of the type of goods sold in the existing pharmacy from the village centre.

I wish to apologise to Members and to correct an error in the report at page 62 paragraph 5.4.3. The paragraph should read

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 not have such an unacceptable visual impact on the character of the area as to warrant and sustain refusal.

In relation the BREEAM condition I would remind Members that the previously approved scheme was required to achieve a BREEAM very Good rating and the score for that building was 64.27%. The current pre-assessment score for the new surgery design is 66.31% which is higher.

Given the revised position of the PCT I wish to amend condition 13 to reflect the need to achieve the minimum of Very Good which has been demonstrated can be achieved.

I also wish to amend condition 10 to require specific bat enhancement measures to be provided. Whilst ideally it would also be advisable to require provision for swifts as well, advice is that swift bricks should be sited a minimum of 5m high on walls, this is not possible on this building as the eaves are 2.5m.

### **Amendments to recommendations**

Amend condition 10 to read:-

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. The details of enhancement measures for bats shall include inter-alia, the use of bat tubes or bricks or providing suitable crevices in the proposed weatherboarding or on the roof.

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

Amend condition 13 to read:-

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