

APPLICATION: MA/10/2185 Date: 22 December 2010 Received: 30 January 2012

APPLICANT: Kent County Scout Council

LOCATION: WHITE COTTAGE, GRANGE LANE, BOXLEY, MAIDSTONE, KENT, ME14 3DA

PARISH: Boxley

PROPOSAL: Change of use of existing buildings from agricultural/equestrian use to educational and leisure use (County Headquarters for Kent Scouts) with retention of existing residential use of White Cottage for on-site manager, together with associated operational development including extensions and alterations to the existing buildings, erection of new building to house climbing wall and formation of car parking areas as shown on drawing numbers DWG KS-LGFC 103, DWG KS-LGFC 104, DWG KS-LGFC 105, DWG KS-LGFC 106, DWG KS-LGFC 107, DWG KS-LGFC 108, DWG KS-LGFC 109, DWG KS-LGFC 111, DWG KS-LGFC 112, DWG KS-LGFC 116, DWG KS-LGFC 117 and DWG KS-LGFC 118, photographic survey and un-numbered photographs, supported by a planning statement (including statement of community involvement), planning application report (including design and access statement; biodiversity statement; landscape and visual impact assessment; and noise and vibration assessment) ecological scoping and reptile survey and bat and barn owl survey received 22nd December 2010; heritage statement drawing number DWG KS-LGFC 110 rev A received 12th May 2011; drawing number DWG KS-LGFC 115 rev C and transport statement (including framework travel plan and event management strategy) received 30th January 2012; business case (including confidential financial information) received 13th March 2012; email received 14th May 2012; and drawing numbers DWG KS-LGFC 101A, DWG KS-LGFC 102A and DWG KS-LGFC 113A received 16th May 2012.

AGENDA DATE: 7th June 2012

CASE OFFICER: Catherine Slade

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

- it is a departure from the Development Plan

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV31, ENV34, ENV44, ENV49, T13, T21, T23, CF14
- South East Plan 2009: SP3, CC1, CC4, CC6, T4, T5, NRM9, NRM10, C4, C6, BE6, TSR2, S5, S6, AOSR7
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

- 2.1 The Local Planning Authority has no record of any previous planning history relating to the site.

3. CONSULTATIONS

- 3.1 BOXLEY PARISH COUNCIL: Wish to see the application approved.
- 3.2 MAIDSTONE BOROUGH COUNCIL CONSERVATION OFFICER: Raises no objection to the proposal subject to the imposition of conditions requiring the submission and approval of material samples, details of the junctions between new extensions and original buildings in the form of large scale drawings, and an archaeological watching brief to be undertaken. The officer makes the following detailed comments:

"The site comprises the property formerly known as Lower Grange Farm. As such it has its origins as the "home grange" or farm adjacent to the monastery of Boxley Abbey. Such granges were run very much in the manner of estate farms. Granges are particularly characteristic of the estates of the Cistercian Order, of which Boxley was a member. Granges had two functions – to provide food and raw materials for consumption by the abbey itself, and to provide a surplus for sale for profit. Most monasteries had more than one grange, and different granges often had different functions. At Boxley, the home grange probably specialised in crop production, whilst Boxley Grange (the residential accommodation to which still survives as a listed building) sited on top of the North Downs probably concentrated on livestock, whilst the remote grange at Chingley in the Bewl Valley was an industrial site producing iron.

The site is therefore likely to be of substantial archaeological interest.

The site contains three buildings arranged around a courtyard which it is proposed to link together to form the required facilities. Foremost amongst these buildings is the impressive five-bay aisled barn, which may well survive from monastic days. This barn was radically restored in the 1980s, when it was in very poor condition; the outer timber-framed walls were rebuilt in brick and

much of the roof structure replaced. However, the impressive aisle posts and tie beams survive from the original structure and despite the extensive rebuilding the surviving structure is impressive and retains much historical interest. A large barn such as this would have been the chief characteristic building of an agrarian grange.

The other buildings are of more modest scale and appear originally to have been of mid and late 19th century date; these too have been extensively rebuilt/ repaired, probably at the same time as the barn. The proposal is to link these buildings. The barn remains largely as a single space, with one bay partitioned off to provide toilets and a kitchen; its internal spatial character is therefore largely preserved. The linking structures are frankly modern in their appearance and feature extensive glazed screens and flat "green" roofs. I consider this to be a valid design approach as it allows for the buildings still to be read separately and minimises the impact of the extensions on the complex as a whole.

A further proposal envisages the construction of a new building towards the lane to house a climbing wall. This would be a very tall structure with a very low-pitched roof and would be higher than the barn. Although its distance from the barn would provide reasonable mitigation, it would have some unfortunate impact on its setting.

Extensive areas of car parking are also proposed which will impact on the setting of the barn and also on the character of the open countryside. Substantial planting will be needed to mitigate this impact."

- 3.3 MAIDSTONE BOROUGH COUNCIL ENVIRONMENTAL HEALTH MANAGER: Raises no objection to the proposal subject to the imposition of conditions requiring the investigation and if necessary remediation of site contamination and the submission of a transport related air quality emissions reduction scheme.
- 3.4 KENT COUNTY COUNCIL HIGHWAY SERVICES OFFICER: Raises no objection to the proposal subject to a S278 agreement to secure the necessary highways works to provide passing bays and signage and a financial contribution of £5000 to allow monitoring of the Travel Plan in addition to conditions requiring the provision of and securing parking and cycle storage spaces; the provision of and adequate access; and details of the hanging of entrance gates. The officer makes the following detailed comments:

"Further to my previous consultation response concerning the above named planning application, a Transport Statement, Event Management Strategy and Travel Plan have been submitted which seek to address the concerns raised.

The proposal involves the change of use from agriculture/equestrian to a Scout Headquarters. The gross internal floorspace of the current D2 use is 628m² and this will increase to 1146m²; an increase of 518m².

Access to the site is gained via Grange Lane, an unclassified carriageway of varying width. Two passing bays are proposed along Grange Lane in order to allow 2 cars to pass.

The existing access to the site is to be modified to allow entry only with a new exit only access being provided. Appropriate signing is required within the site at the accesses to advise traffic of the entry and exit arrangements and this should be subject to approval by KENT COUNTY COUNCIL Highways.

Parking

20 cycle spaces are proposed and 95 car parking spaces, including mini bus parking and parking for the mobility impaired. This is over the maximum recommended for D2 use in the Kent & Medway Vehicle Parking Standards (1 space per 22m) which would equate to 52 spaces. A level of parking in excess of these guidelines is appropriate in this instance due to the rural location of the site. The car park will be managed by stewards when events are held, to improve efficiency and prevent parking on the highway.

Traffic generation

Events generating a significant increase in traffic such as the Scout County AGM and the Scout Sectional Fun Day will be held infrequently and are to be managed by the measures in the Travel Plan and Event Management Strategy in order to limit the impact of the traffic associated with the events on the existing highway and to prevent disruption. These measures include pre event registration, event day management, coordination of travel arrangements and the use of minibuses. It has been agreed that due to the narrow and rural nature of the approach roads to this site, that mini buses will be used to transport participants as opposed to coaches.

Boarley Lane, between its junction with Sandling Lane and Grange Lane, is not considered suitable to accommodate any significant increase in traffic due to its narrow width. Traffic will therefore be positively signed along alternative routes and promoted to visitors in advance of events. The routing arrangements will be as follows:

- 1. A229 -Old Chatham Road -Tyland Lane -Boarley Lane -Grange Lane*
- 2. Boxley Road -Grange Lane -Boarley Lane -Grange Lane.*

Subject to the above names highway works (passing bays and signing) being provided as part of a S278 Agreement together with a financial contribution of £5000 for the monitoring of the Travel Plan, to ensure that the targets are met, I have no objection to this application."

- 3.5 KENT COUNTY COUNCIL BIODIVERSITY OFFICER: Raise no objection to the proposal subject to the imposition of conditions requiring the development to be undertaken in accordance with the recommendations of the ecological scoping and reptile survey and bat and barn owl survey received 22nd December 2010 and the submission and approval of details of ecological enhancement, and make the following detailed comments:

"We are satisfied that the submitted surveys have adequately considered the potential for impacts on protected species as a result of the proposed development; the potential for impacts on bats and breeding birds have been identified and the report makes several recommendations.

Bats have been identified roosting within the building. Several recommendations have been for mitigation however at the time that the report was written it was unclear exactly what works would be required.

As a result we require that as a condition of planning permission a detailed bat mitigation strategy is submitted for comments. As part of the mitigation the report details that bat boxes are going to be erected on to the building however it would be preferable if a mixture of raised bat tiles, bat tubes and bricks were also used.

There is suitable habitat present for breeding birds. The recommendations within paragraph 4.2.5 of the ecological scoping and reptile survey must be carried out. If planning permission is granted the implementations of these recommendations must be a condition of planning permission.

Enhancements have been recommended within ecological scoping and reptile survey. A selection of these enhancements must be incorporated in to the proposed development site. Suitable reptile habitat was identified within the edge of the site this area must be enhanced to improve this area for reptiles.

Details of enhancements to be incorporated in to the site must be submitted for comments as a condition of planning permission."

- 3.6 KENT COUNTY COUNCIL PUBLIC RIGHTS WAY OFFICER: Raises objection to the proposal on the grounds firstly that the route of the PROW shown in the application documentation differs from that recorded on the definitive map and

secondly that the route would, as a result of the proposed development, run through a car park rather than across fields.

- 3.7 ENGLISH HERITAGE: Did not wish to comment on the application.
- 3.8 ENVIRONMENT AGENCY: Raise no objection to the proposed development.
- 3.9 NATURAL ENGLAND: Did not wish to comment on the application.

4. REPRESENTATIONS

- 4.1 NEIGHBOURS: One representation was received which supports the application.
- 4.2 KENT WILDLIFE TRUST: Supports the application subject to the implementation of the recommendations for the mitigation, enhancement and compensation of biodiversity impacts set out in the ecological scoping and species survey reports.
- 4.3 COUNCIL FOR THE PROTECTION OF RURAL ENGLAND: Raises no objection to the conversion of the existing buildings and the use of the existing residential property as a manager's flat, but raises concern with regard to the extent of the proposed car parking and the erection of a substantial additional building.

5. CONSIDERATIONS

5.1 Site and Surroundings

- 5.1.1 The proposal site is located in open countryside to the north of the main urban area of Maidstone, immediately to the south of the M20, which in this location is an illuminated and elevated 8 lane carriageway.
- 5.1.2 The site is within the North Downs Special Landscape Area (SLA) and Strategic Gap (SG), but has no other environmental or economic designations in the Maidstone Borough-Wide Local Plan 2000. It is of note that the site is located in close proximity to the southern boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB) which follows the northern side of the M20. In addition, the Cuckoo Wood Local Wildlife Site (LWS) is located approximately 180m to the south of the site.
- 5.1.3 The site comprises buildings and land formerly associated with Lower Grange Farm. The existing buildings are arranged around three side of a courtyard and are located in the south east of the site. They include a substantial 5-bay timber framed barn, a modest single storey 5-stable block and a larger single storey 8-stable block with a single storey dwellinghouse known as White Cottage adjoining the west elevation. All three buildings were the subject of significant

refurbishment works during the 1980s, and none are listed. The three buildings are located in close proximity to each other, but do not physically adjoin.

- 5.1.4 The remainder of the site comprises a field in the western part of the site and an area of open grassland to the north of the existing buildings described in paragraph 5.1.3 above.
- 5.1.5 The land slopes very gently to the south towards the waterway which marks the northern boundary of Cuckoo Wood. The land rises to the south of this stream, and Cuckoo Wood is elevated in relation to the proposal site. The land also rises sharply to the north of the proposal site beyond the M20, forming the North Downs escarpment.
- 5.1.6 There is an existing vehicular access to the site from Grange Lane, an unclassified single-track no-through-road located adjacent to the northern boundary of the site. Grange Lane provides access from Boarley Lane (also an unclassified highway) to the proposal site and a dwellinghouse located immediately to the east of the site. Boarley Lane provides wider access to the A229 via Sandling lane and the Running Horse Roundabout to the south; to the A229 and M20 via Tyland Lane and Chatham Road to the north west; and to the A249 and Maidstone Town Centre via Grange Lane and Boxley Road to the north east.
- 5.1.7 A public right of way, the KH25 footpath runs through the site from north to south, providing a pedestrian connection between Grange Lane to the north and the public footpath network in Cuckoo Wood in the south. The public footpath runs adjacent to the western side of the existing buildings.
- 5.1.8 The nearest residential property to the site is Lower Grange Farm, which is located adjacent to the eastern boundary of the site and shares the vehicular access.

5.2 **Proposal**

- 5.2.1 The application seeks planning permission for the change of use of the land and buildings from agriculture/equestrian use to educational and leisure use (County Headquarters for Kent Scouts) with the retention of existing residential use of White Cottage for an on-site manager and the use of the land in the west of the site for activities associated with scouting such as camping.
- 5.2.2 Operational development required in order to facilitate the proposed change of use includes extensions and alterations to the existing buildings, erection of a new building to house a climbing wall and the formation of car parking areas and a new access to the public highway.

Change of use:

5.2.3 As set out above, the Local Planning Authority has no recorded planning history for the site, however White Cottage is known to have a residential use, and the stables on the land have been there for some time. The current lawful use of the land is therefore considered to be a mixed use of agriculture and the keeping of horses, with the exception of White Cottage. The main proposed use is for scouting activities, formal and informal education, and leisure use which is considered to fall within Use Class D2 (assembly and leisure). The main uses, as set out in the travel plan are for the Scout County AGM; Scout leader training, sectional fun days, jamborees, Scout County executive meetings and Scout weekend and week camps; school day and residential visits; and use of the climbing wall facility. These uses would be supported by an on site manager, for whom the residential use of White Cottage is proposed to be retained. The operational development detailed below would facilitate this change of use.

Alterations to existing buildings:

5.2.4 Alterations are proposed to all existing buildings in order to facilitate their use by Kent Scouts

5.2.5 The key building historically and visually is the barn which is located to the south of the central courtyard. As set out in the Conservation Officer's comments above, this is the dominant building in the group both in terms of its scale and its historic importance. Whilst not listed and significantly altered in the late twentieth century, much of the original timber frame, which is believed to be contemporaneous with Boxley Abbey, remains and the building retains much of its historic interest.

5.2.6 The alterations to this building are limited in extent, and to the exterior are limited to the replacement of an existing window to the west elevation. The large open interior space characteristic of such buildings would be retained, with the exception of the eastern bay, which would be partitioned to provide a kitchen and toilets; in addition inner fire doors would be introduced to the openings to the north and south elevations.

5.2.7 The building located on the west of the central courtyard comprises a single storey stable block divided into 5 stalls with an overhang to the east elevation. The building would be retained with a similar arrangement of the internal space and openings, however the stalls would be converted and upgraded in order to provide 5 dual purpose bed/training rooms.

- 5.2.8 The building located to the north of the courtyard has two elements; a substantial single storey stable block with overhangs to the north and south elevation which provide 8 stalls in a back to back arrangement; and a single storey dwelling with additional accommodation in the roof space which adjoins the west elevation of the more dominant stable building.
- 5.2.9 The proposed development would result in modifications to the ground floor of the stable building in order to provide multi-purpose training, teaching and bunking spaces, as well as offices and stores. The roof space is proposed to be used in order to provide a larger space suitable for larger meetings and conferences. To facilitate this use 4 roof lights are proposed to the north elevation of the building, and internally a stair and lift are proposed to be installed. The proposed uses and internal alterations would result in changes to the arrangement of the external openings to this building, in addition to the roof lights, however these would retain the character of the existing arrangement in terms of their dimensions and number.
- 5.2.10 White Cottage, also located on the north of the courtyard, would be retained partly in residential use for a manager of the site, the first floor providing a self contained 1 bedroom flat. To facilitate this use, an external staircase is proposed to the west of the building. The ground floor of the building would provide stores and offices, as well as a drying room, and would also provide internal access to the adjoining building to the east.
- 5.2.11 In addition to the above, extensions are proposed to the existing buildings in order to provide additional internal space and to connect the buildings. These include the introduction of flat roofed single storey extension which would infill the "corner space" between the large barn and 5-stable block, providing W.C.s and storage space; glazed "internal exterior" spaces which would enlarge the existing overhangs to the north and south elevations of the 8-stable block and the east elevation of the 5 stable block to allow sheltered movement between all three buildings; the provision of a glazed corner of the courtyard adjacent to the 5-stable block and White Cottage to provide a dining area; and the introduction of an enclosed staircase to the east elevation of the 8-stable block and the external staircase to the west elevation of White Cottage referred to in paragraph 5.2.9 above.
- 5.2.12 These extensions would be single storey (with the exception of the external staircase) with a modern appearance and character incorporating flat green roofs. The extensions would be extensively glazed in order to allow natural light to the interior of the buildings with the exception of the proposed toilet block between the barn and 5 stable block, which will have rendered external walls to match the existing stable building. The proposed extensions would in large part

be mainly restricted to the infilling of existing spaces between buildings and small areas of the central courtyard area.

Erection of new building to house climbing wall

5.2.13 The proposal also includes the erection of a new building in the north of the site adjacent to the north site boundary and vehicular access. This building is shown on the submitted drawings as having a width of 18m and a depth of 10.8m, resulting in a footprint of 194.4m. The building would have a ridge height of 11.6m and eaves heights of 11m, resulting in a very shallow roof pitch. The design of the building seeks to maximise the internal space available to accommodate the climbing wall and associated galleries to allow observation and tuition to participants and to enable the facility to be DDA compliant in order to allow less physically able persons to participate in the sport. The building would have a conventional agricultural appearance in respect of its materials, which would comprise grey corrugated sheets to the roof and vertical timber Yorkshire boarding to the elevations. The interior would house two climbing walls, one a training wall to single storey height with observation galleries above at second and third floor levels, and the main wall which would be the full height of the building

Car parking areas and new access

5.2.14 A car parking area would be provided in the north east of the site, between the main group of buildings and Grange Lane. 95 spaces for cars would be provided, as well as an area for minibus parking and 20 cycle parking spaces. A new vehicular access is proposed to the east of the existing access (which would be retained) in order to ensure one way traffic flow within the site. This level of car parking has been achieved as a result of negotiation between the applicant and Maidstone Borough Council and Kent County Council Officers, and represents a substantial reduction in the extent of the car parking originally proposed from in excess of 150 spaces, and restricting its extent to areas to the north and east of the existing buildings.

5.2.15 The car parking areas would be surfaced with grasscrete and would not be fenced or externally lit.

5.2.16 The development currently under consideration is partly retrospective, some works to the existing buildings having already been undertaken, and some scouting activities taking place on the site. Some operational development, including the erection of the building to house the climbing wall, has not yet been undertaken.

5.2.17 The details of the car parking areas, access and travel and transport arrangements are set out in the Transport Statement, Framework Travel Plan and Event Management Strategy by Jacobs dated January 2012 submitted in support of the application.

5.3 **Assessment**

Policy Considerations

- 5.3.1 New development in the open countryside is subject to significant levels of restraint as set out policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (Local Plan), however an exception to this general presumption is the conversion of existing rural buildings for commercial and recreational uses such as this, as set out in Local Plan policy ENV44, which supports such development, subject to criteria which require that any proposal be assessed in terms of the appropriateness of the building(s) for conversion and of any proposed alterations; the impact on the vitality of the town centre; the highway safety implications including provision of parking within the site; and impact on the surrounding environment and residential amenity of neighbouring occupiers.
- 5.3.2 In addition to the above, the following Development Plan policies are of particular note.
- 5.3.3 The site is located in the North Downs Special Landscape Area (SLA) in which particular attention should be given to the protection and conservation of the scenic quality of the area and priority be given to the landscape over other planning considerations under the provisions of Local Plan policy ENV34.
- 5.3.4 Policies CC1 and CC6 of the South East Plan 2009 seek to achieve sustainable forms of development particularly with respect to the built environment and communities, whilst policy C4 seeks to protect and enhance the diversity and local distinctiveness of the landscape of the open countryside.
- 5.3.5 Policies T13 of the Maidstone Borough-Wide Local Plan 2000 and T4 of the South East Plan 2009 relate to the provision of car parking in new development, whilst Local Plan policy T21 requires new development to be well related to the existing highway network.
- 5.3.6 In addition, policy BE6 of the South East Plan 2009 seeks to require proposals for development to protect, conserve and (where possible) enhance the historic environment.

- 5.3.7 These policies are considered to be in accordance with central government planning policy, as set out in the National Planning Policy Framework 2012 (NPPF).
- 5.3.8 It is my view that the conversion and alteration of the existing buildings for the uses proposed are in accordance with policy ENV44, and therefore acceptable in principle, subject to a detailed assessment of the proposal.
- 5.3.9 There is no Development Plan policy support for the erection of the proposed building to house the climbing wall, which represents new operational development for which there is no overriding justification in open countryside with poor links to public transport which would facilitate a recreational facility normally expected to be located in a more sustainable town centre location, and no demonstration that a sequential approach, as required by Local Plan policy, has been applied. Furthermore the scale of the proposed building is such that it would inevitably have a significant visual impact upon the character and appearance of the SLA, contrary to policy ENV34 of the Local Plan. Therefore, notwithstanding policies S5 and S6 of the South East Plan 2009 which seek to encourage participation in sport, particularly of disadvantaged groups and the provision of community infrastructure, and CF14 of the Local Plan which seeks to support proposals for uses falling within Use Class D2, it is my view that this element of the proposal is contrary to the Development Plan.
- 5.3.10 Notwithstanding this, the proposed climbing wall building would serve, and be intimately related to, the main use which is supported by Development Plan policy. For this reason, in the circumstances of this case I consider that the wider benefit in providing a facility of which there is to my knowledge no alternative in Maidstone which has been specifically designed in order to allow participation by less able members of society, and would be maintained and run by Kent Scouts as part of the larger complex, outweighs the conflict with Development Plan policy caused by the inclusion of this element in the proposal.

Planning Considerations

- 5.3.11 As set out above, the principle of the conversion and extension of the existing buildings is considered to be acceptable, and whilst the erection of the climbing wall building is contrary to Development Plan policies which seek to protect the open countryside and existing town centres, I consider that the exceptional circumstances of this case to outweigh the policy harm.
- 5.3.12 Therefore, it is my view that the key considerations (setting aside principle of the development, which is discussed above) to be the design and visual impact of the proposed development and highway safety and public rights of way (PROW) issues.

Design and visual impact

- 5.3.13 The proposed conversion works are considered to be respectful of the original buildings, retaining the main features of interest and the overall character and appearance of the built development on the site. Of note are the limited alterations to the barn, which seek to minimise the visual impact of the change of use whilst retaining the internal space and what remains of the historic fabric of the building.
- 5.3.14 Whilst the proposed extensions are modern in design and appearance, they are considered to be well related to the existing building, reflecting the historic layout of the site and being restricted in scale so as to be subservient to the main buildings. This is supported by the comments of the Maidstone Borough Council Conservation Officer, who raises no objection to the proposal, subject to the imposition of conditions requiring the submission and approval of details of materials and large scale drawings of the junctions between the existing buildings and proposed extensions. These conditions are considered in the circumstances of this case to be reasonable and necessary in order to secure the character and appearance of the development and to secure the historic and architectural interest of the existing undesignated heritage assets closely linked with Boxley Abbey.
- 5.3.15 The car parking area to the north of the converted buildings, whilst extensive, will be surfaced in grasscrete, thereby allowing vegetation to colonise less well used areas whilst allowing infiltration of surface water. The use of this material will therefore reduce the visual impact of the hard surface whilst preventing surface water flooding. For this reason the visual appearance of the car parking areas is considered to be acceptable in the circumstances of this case.
- 5.3.16 The scale and visual bulk of the proposed climbing wall building are such that this element of the proposal would have a significant visual impact, and would be clearly visible in public views of the site from the public footpath which runs through the centre of the site, from the north from the M20 and in longer distance views from the Pilgrims Way, and also from the south from the footpath adjacent to Cuckoo Wood.
- 5.3.17 In mitigation, notwithstanding the scale of the building, which is a direct function of its proposed use, the overall design of the building is considered to be acceptable, having the appearance of a conventional agricultural building, albeit on a substantial scale, and it is considered that the colouring and materials to be utilised as well as the overall character of the building would be appropriate to its rural setting. Also, the proposed building is well grouped with the existing buildings on site, and would be seen in that context, rather than as

a new isolated development in the open countryside. Furthermore, the building is located in close proximity to the M20 which is elevated and illuminated in this location, and has some existing tree growth to the southern embankment (albeit intermittent). The building would be seen against the motorway which would provide some screening of views of the building in longer range views from the north. No external lighting is proposed as part of the application, however in order to secure the appearance of the development and the open countryside, notwithstanding the close proximity of it to the M20, it is considered necessary to impose a condition restricting such installations.

5.3.18 For these reasons, I consider that whilst the proposed climbing wall building would have a significant impact in public views of the site, the mitigating factors set out above and the wider benefits of the provision of the facility in close proximity to the Scout Headquarters are such that the visual impact of the development would be acceptable, subject to the conditions set out above.

Highway safety and public rights of way (PROW) issues

5.3.19 The relationship of the site to the surrounding highway network is set out in paragraph 5.1.6 above. Although the site is located in close proximity to a number of major roads, access is via unclassified highways of varying width, and the Kent County Council Highways Engineer has observed that parts of the surrounding road network are not considered suitable for accommodating any increase in traffic.

5.3.20 A Transport Statement, Framework Travel Plan and Event Management Strategy prepared by Jacobs has been submitted in support of the application, which includes measures to limit the impact of the proposed use of the site on the surrounding roads. These include the introduction of directional signage to restrict the use of such roads and ensure that traffic to and from the site is routed either via (i) A229 – Old Chatham Road – Tyland Lane – Boarley Lane – Grange Lane or (ii) Boxley Road – Grange Lane – Boarley Lane – Grange Lane. This arrangement is similar to that currently in place for Tyland Barn, the headquarters of the Kent Wildlife Trust.

5.3.21 The document also sets out the details of the introduction of the additional vehicular access to the site which will allow a one way flow of vehicles within the site boundary and allow greater control over traffic flows down Grange Lane; an event management strategy for controlling traffic flows resulting from individual events; the introduction of 2 passing bays to Grange Lane; and the introduction of signage within the site to advise of the entry and exit arrangements. In addition, the publicity material of Kent Scouts will include details of vehicular approaches to the site and seek to encourage alternative modes of transport including cycling and walking to the site.

- 5.3.22 Subject to the applicant entering into a S278 Agreement with Kent County Council Highway Services in order to secure the proposed works to the highway (being the introduction of passing bays and signage) and the imposition of conditions securing the standard of the new vehicular access and requiring the position and hanging any gates to be suitable and not detrimental to highway safety, no objection is raised to the proposal. A contribution of £5000 has been requested by Kent County Council Highway Services to allow monitoring of the Travel Plan. However, as compliance can be secured by means of a planning condition, I consider that the suggested contribution is not necessary to make the development acceptable in planning terms, and is therefore not in accordance with S122 of the Community Infrastructure Levy Regulations 2010.
- 5.3.23 In respect of the on site parking provision, the engineer states that the level of provision is in excess of Kent County Council standards, but that the relatively remote location (in respect of public transport alternatives) is such that no objection is raised in this regard, subject to a condition securing parking and cycle storage areas. I concur with this assessment.
- 5.3.24 On the grounds set out above, it is considered that no objection to the proposal is raised on the grounds of highway safety or parking provision.
- 5.3.25 Concern has been raised by the Kent County Council PROW Officer in respect of the impact of the development on the KH25 footpath in so far as the route of the footpath would, as a result of the proposed development, run through a car park rather than across fields, as is currently the case. It is my view that whilst the surface over which the footpath would run would be altered as a result of the proposal, its course would not as such be impeded and would not be significantly less attractive, and therefore there is no objection to the proposal on this ground. The Officer has, however, suggested that an application be made to Kent County Council to divert the footpath to the west of the car parking area, and has implied that this would be likely to be considered favourably given the limited alterations to the definitive route which would result.
- 5.3.26 Whilst it has been observed that the route of the PROW shown in the application documentation differs from that recorded on the definitive map, it is not considered that this is material to the consideration of the application. These matters can be dealt with by way of appropriate informatives.

Landscaping and ecology

- 5.3.27 There is some existing landscaping in the form of hedgerows to the north, west and east boundaries of the site, and to the north of the site beyond the vehicular access is a small area of trees which serves as a visual barrier to the south of

the M20, albeit limited in its extent and absent to the north east of the site. There are no trees of any significance on the site itself. The southern boundary of the site is marked by a post and rail fence, and as such this aspect of the site is open to views from the south, including the public footpaths associated with Cuckoo Wood.

5.3.28 The application documentation refers to various landscaping proposals for implementation during the operational phase of the development, however no detailed landscaping scheme has been submitted in support of the application. It is considered that there is significant scope for improving the site, both visually and in terms of biodiversity, whilst achieving screening of the car parking area and softening the appearance of the new build element of the proposal and screening the site from public views from the M20 and PROWs to the north and south of the site. As such landscaping conditions should be imposed requiring the submission and approval of a suitable landscaping scheme devised in accordance with the Maidstone Borough Council Landscape Character Assessment 2012 in consultation with Maidstone Borough Council Landscape Officers which should include trees to the northern boundary of the site, and the subsequent implementation of the approved scheme.

5.3.29 The use of green walls to the elevations of the climbing wall building has been discussed with the applicant, and whilst conventional systems have been discounted for reasons of cost and the additional weight that would have to be borne by the structure, the applicant has indicated that work is ongoing on developing "local plugs", and it is considered that these can be required to be incorporated into the landscaping scheme condition.

5.3.30 With regard to matters of ecology, the applicant has submitted an ecological scoping and reptile survey and bat and barn owl survey which indicate that the proposal would have no significant detrimental impact upon ecological assets and suggests mitigation methods to be incorporated into the development. The Kent County Council Biodiversity Officer raises no objection to the application on the grounds of the information provided subject to the imposition of conditions, as set out in the comments above, and therefore it is considered that there is no objection to the proposal on these grounds, subject to the recommended conditions.

Residential Amenity

5.3.31 A residential property, Grange Farmhouse, is located in close proximity to the site. The curtilage adjoins the site and the dwelling is located approximately 20m to the south west of the site boundary. However, it is not considered that the proposal would give rise to harm to the residential amenity of the occupiers of

the dwelling in respect of loss of light, privacy or outlook, by virtue of the relationship between the dwelling and the proposed development.

- 5.3.32 The proposal would result in increased traffic to the site, as set out in the Transport Statement, however the Travel Plan submitted in support of the application seeks to minimise vehicle movements and traffic congestion, and the expected levels of use set out in the document indicate that significant levels of disturbance associated with traffic will be restricted to a limited number of events per annum. The direct impact on the occupiers of Grange Farmhouse will be limited in terms of vehicle movements as the traffic will not reach as far as the property. Although 24 car parking spaces are located adjacent to the site boundary with the residential property, these spaces are relatively peripheral in the context of the site parking provision and therefore it is likely that this area of parking would only be used sporadically during larger events. Although traffic directions will result in traffic being directed via the small area of built development associated with the Yew Tree public house (which includes 11 dwellinghouses in addition to the pub) located at the junction of Grange Lane and Boarley Lane to the west of the site, traffic would pass to the north of the buildings, and as such would be screened from the residential properties by the public house and garden land.
- 5.3.33 Whilst it is expected that a certain level of ambient vocal noise might be expected as a result of the use of the premises by groups of Scouts and affiliated parties, this is likely to be largely restricted to the interior spaces. Whilst some outdoor activities may cause some disturbance in this regard, this is likely to take place in the camping field to the west of the site which is separated from nearby dwellings by field boundaries as well as existing and proposed buildings which will provide some level of acoustic screening.
- 5.3.34 Also, it is of note that the site is located in close proximity to the M20 which is one of the busiest public highways in the Borough, and as such any additional noise disturbance will be heard in the context of a fairly constant background of vehicle traffic which is ongoing 24 hours a day. Furthermore, the Council's Environmental Health Manager has raised no objection to the proposal in this regard. Notwithstanding the above, if noise levels resulting from the proposed use are such that a statutory noise nuisance was to result, this would be dealt with under separate environmental health legislation under the provisions of the Environmental Protection Act 1990.
- 5.3.35 Notwithstanding this, it is considered that the use of amplified music in external areas would potentially result in significant disturbance, and a condition should be imposed preventing such occurrences. It is not considered reasonable, given the proposed uses, to prohibit all external amplification as it is likely that some kind of tannoy system may be required in relation to larger scouting events.

5.3.36 For these reasons it is not considered that the proposal would result in harm to residential amenity, subject to the condition set out above.

Other matters

5.3.37 The site is known to have architectural and archaeological interest, and as such the Council's Conservation Officer has requested that a condition be imposed requiring an archaeological watching brief to be undertaken during building works. Given the close historic relationship of the site with Boxley Abbey, the age and status of the barn and the known presence of a former oasthouse within the site (albeit demolished), I consider this condition to be reasonable and necessary.

5.3.38 A detailed ecological scoping report and species specific reports for bats, owls and reptiles have been submitted and no objection is raised to the development in this regard, subject to a condition requiring the development to be undertaken in accordance with the recommendations for mitigation and enhancements as set out in the reports.

5.3.39 The Council's Environmental Health Manager has raised no objection to the proposal subject to the imposition of a standard contaminated land condition and a condition requiring the submission of a transport related air quality emissions reduction scheme. In respect of the former, this is considered to be reasonable and necessary in light of the site's former agricultural use, and the fact that elements of the uses proposed include (albeit short term) residential occupiers by "sensitive receptors" or children. With regard to the latter, I consider that this has been adequately covered in the Transport Statement, and therefore that there is no need for the imposition of such a condition. The Travel Plan will also seek to reduce traffic generation and thus have an impact on air quality.

5.3.40 In view of the activities proposed on site, which include camping and overnight and multiday stays by appropriate groups, it is not considered reasonable in this case to impose an hours of operation condition.

5.3.41 As set out in paragraph 5.2.16 above, the application is partly retrospective and as such in order to allow the conditions imposed to be enforceable they are time limited rather than restricted by commencement of the development. Although normally a period of between 3 and 6 months would be imposed for the submission of the relevant details, in this case the applicant has requested that the period be greater, as submission and implementation is dependent on funding, which is unlikely to be formally secured within these timescales. In light of these circumstances I consider that periods of 12 months are acceptable and appropriate, whilst meeting the tests for conditions.

6. CONCLUSION

- 6.1 I therefore recommend to Members that planning permission be granted subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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. Within twelve months of the date of this decision written details and samples of the materials to be used in the construction of the external surfaces of the development and areas of hard surfacing hereby permitted shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to secure the character and appearance of the undesignated heritage assets and open countryside in accordance with policies ENV28, ENV34 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE6 of the South East Plan 2009, the Kent Design Guide 2009 and the National Planning Policy Framework 2012.

3. Within twelve months of the date of this decision details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the junctions between the existing buildings and the approved extensions shall be submitted for approval in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to secure the character and appearance of the undesignated heritage assets and open countryside in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE6 of the South East Plan 2009, the Kent Design Guide 2009 and the National Planning Policy Framework 2012.

4. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow them to observe the excavation and record items of interest and finds. The developer will inform the County Archaeological Officer of the start date of construction works on site not less than two weeks before the commencement of such works;

Reason: To enable the examination and recording of any items of historical or archaeological interest in accordance with the National Planning Policy Framework 2012.

5. Within twelve months of the date of this decision a scheme of landscaping, using indigenous species which shall include indications of all existing trees, hedgerows and boundary planted areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and a programme for the scheme's long term management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include, inter alia, tree planting to the northern boundary of the site and hedge planting to the south, east and west boundaries of the site, and the introduction of 'local plugs' to the climbing wall building. The approved protection measures shall be implemented 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;

Reason: To safeguard existing landscaping to be retained, ensure a satisfactory setting and external appearance to the development, and secure the character and appearance of the undesignated heritage assets in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6, and BE6 of the South East Plan 2009, the Kent Design Guide 2009 and the National Planning Policy Framework 2012.

6. 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 buildings 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 safeguard existing landscaping to be retained, ensure a satisfactory setting and external appearance to the development, and secure the character and appearance of the undesignated heritage assets in accordance with policies

ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6, and BE6 of the South East Plan 2009, the Kent Design Guide 2009 and the National Planning Policy Framework 2012.

7. The recommendations of the Transport Statement, Framework Travel Plan and Event Management Strategy by Jacobs dated January 2012 shall be strictly adhered to in the implementation of the permission hereby granted and the development operated in accordance with the approved Transport Statement thereafter;

Reason: To safeguard the safety of the surrounding highway network in accordance with policies ENV44 and T21 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

8. Within twelve months of the date of this decision the parking/turning areas and cycle storage areas shall be completed 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 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies T13 of the Maidstone Borough-Wide Local Plan 2000 and T4 of the South East Plan 2009, and the National Planning Policy Framework 2012.

9. The access details shown on approved plan DWG KS-LGFC 115C received 30th January 2012 and shall be maintained in accordance with the approved details thereafter;

Reason: To safeguard the safety of the surrounding highway network in accordance with policies ENV44 and T21 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

10. If gates are to be erected across the vehicular accesses they shall be shown sited no less than 5.5m from the carriageway and hung so they open away from the highway and maintained thereafter;

Reason: To safeguard the safety of the surrounding highway network in accordance with policies ENV44 and T21 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

11. Within twelve months of the date of this permission:

1. A report shall be submitted to and approved by the Local Planning Authority which shall provide a detailed scheme for the investigation and recording of site contamination. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Reason: To prevent harm to human health and pollution of the environment in accordance with the National Planning Policy Framework 2012.

12. The recommendations of the Ecological Scoping and Reptile Survey dated 18th July 2010 and Bat and Barn Owl Survey dated 14th July 2010, which include the adoption of best working practices, shall be strictly adhered to in the implementation of the permission hereby granted;

Reason: To safeguard the ecological and biodiversity assets of the site and surrounding habitat, in accordance with the National Planning Policy Framework 2012.

13. No external lighting shall be installed on the site without the prior written consent of the local planning authority.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000.

14. Within 12 months of the date of this decision, the passing bays and highway signage detailed in paragraphs 3.2.1 and 4.1.2 of the Transport Statement, Framework Travel Plan and Event Management Strategy by Jacobs dated January 2012 shall be completed and operational;

Reason: In the interests of securing road safety in accordance with policy T21 of the Maidstone Borough-Wide Local Plan 2000, and the National Planning Policy Framework 2012.

15. No amplified music shall be relayed outside the building;

Reason: In the interests of safeguarding the amenity of local residents in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

16. Within 12 months of the date of this decision details of the enhancement measures set out in the ecological scoping and reptile survey and bat and barn owl survey received 22nd December 2010, which shall include, inter alia, a bat loft within the roof space of the former 5-bay stable building, shall be submitted to and approved in writing by the Local Planning Authority; the development shall be implemented in accordance with the approved details;

Reason: Reason: To safeguard the ecological and biodiversity assets of the site and surrounding habitat, in accordance with the National Planning Policy Framework 2012.

Informatives set out below

The application states that foul drainage is to discharge to a cess pit. It must be ensured that this is fully sealed and therefore watertight, and also be fitted with a level warning device to indicate when the tank needs emptying. It is important that this is ensured, as the site lies within a vulnerable groundwater protection area.

If it is determined that the foul drainage in fact discharges to ground/watercourse/pond etc, then the Environment Agency will need to be re-consulted on this application, and an application for either an environmental permit or an

exemption would need to be made in accordance with the Environmental Permitting (England and Wales) Regulations 2010.

The applicant should be aware that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority. Please contact the KCC PROW Officer on 01732 872 829 to discuss the diversion of the KH25 to prevent any conflict between the definitive path and the proposed car parking areas.

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

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

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.

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

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Provision should be made for the separate storage of recyclables from waste. Advice on recycling can be obtained from the Environmental Services Manager.

The applicant is advised to seek advice from the Council's Landscape Officer prior to submission of the details required by condition 5 above.

The applicant is advised that a S278 agreement or other suitable legal mechanism should be entered into with Kent County Council Highway Services in order to secure the provision of the passing bays and signage required by condition 14 above.

Although the proposal to erect a new building to house a climbing wall for which there is no policy or other justification within the open countryside in an unsustainable location is contrary to the Development Plan, it is considered that the close relationship of the building and its purpose to the conversion of the existing buildings to provide the Kent County Scout Headquarters and the community benefits that would accrue from the development as a whole are such that they are considered to override the normal presumption against new development in the countryside for which there is no overriding policy or other justification contained in the Development Plan (Maidstone Borough-wide Local Plan 2000 and South East Plan 2009).