

**REPORT SUMMARY**

<b>REFERENCES:</b> (A) 23/505231/NMAMD & (B) 23/505593/NMAMD		
<b>PROPOSAL:</b>		
<p>(A) Non Material Amendment to Condition 30 (drainage) of 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping</p> <p>(B) Non Material Amendment: canopy projection reduction to community centre, internal road alignment to the residential site and elevational and layout changes to the residential plots - 22/500222/FULL: Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground</p>		
<b>ADDRESS:</b> Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS		
<b>RECOMMENDATION:</b>		
<p>(A) Grant Non-Material Amendment</p> <p>(B) Grant Non-Material Amendment</p>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
When considered cumulatively, it is considered that the proposed changes are of a scale and nature that they fall within the remit of Non Material Amendments to the parent permission, 22/500222/FULL as approved on 1 June 2023		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>		
The applicant is Maidstone Borough Council		
<b>WARD:</b> Park Wood	<b>PARISH/TOWN COUNCIL:</b> Unparished	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> Chartway Group
<b>CASE OFFICER:</b> Sean Scott	<b>VALIDATION DATE:</b> 14/12/23	<b>DECISION DUE DATE:</b> 11/01/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

22/500222/FULL - Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping - Approved 01.06.2023

23/504215/SUB - Submission of details to discharge condition 17 - Preliminary Ecological Appraisal, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 10.11.2023

23/504352/SUB - Submission of details to discharge condition 9 - Scheme for Archaeological Investigation, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.11.2023

23/504740/SUB - Submission of details to discharge condition 10 - External Materials, Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 18.12.2023

23/504744/SUB - Submission of details to discharge condition 7 - Recreation Ground Access , Subject to 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 08.02.2024

23/504755/SUB - Submission of details pursuant to condition 12 (proposed slab levels and existing site levels) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.11.2023

23/504756/SUB - Submission of details pursuant to condition 25 (details of foundation design) in relation to planning permission 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 20.12.2023

23/504767/SUB - Submission of details pursuant to conditions 24 (Arboricultural Method Statement) and 26 (structural planting protection and ground designated for new structural planting) of application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 14.12.2023

23/504830/SUB - Submission of details to discharge condition 4 (letting contract) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) Pending Consideration

23/504834/SUB - Submission of details to discharge condition 8 (refuse/recycling strategy) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 12.02.2024

23/504835/SUB - Submission of details to discharge condition 11 (boundary treatments) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Consideration

23/504836/SUB - Submission of details to discharge condition 16 (ecological management plan) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Approved 24.01.2024

23/504841/SUB - Submission of details to discharge condition 27 (landscape scheme) of planning application 22/500222/FULL (new Community Centre and erection of 11 houses) - Pending Decision

23/504873/SUB - Submission of Details pursuant to condition 15 (Biodiversity Net Gain Report) of application 22/500222/FULL - Approved 24.01.2024

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

1.01 The site comprises of 2 separate areas within the Parkwood area of Maidstone: Heather House and the Pavilion which are both Council owned buildings adjacent to the Council owned Parkwood Recreation Ground.

- 1.02 The existing Pavilion building is the northernmost and is single storey and mainly flat roofed. It was originally occupied by the Royal British Legion, now being a licensed bar/social area and changing room facilities used by 2 rugby clubs (who also use the recreation ground sports pitches).
- 1.03 The Pavilion fronts Bicknor Road, close to the redevelopment scheme at Wallis Avenue/Longshaw Road, part of which is up to 4 storeys high. To the north are adjoining bungalows at Rosemary Gardens. The western and southern boundaries are to Parkwood Recreation Ground.
- 1.04 As shown in the history section of this report planning permission (22/500222/FULL) was granted in June 2023 for demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.

## **2. PROPOSAL**

- 2.01 Following the approval of the parent application, further technical reviews have been undertaken which mean that amendments to the proposals will be necessary.

*NMA (A):*

- 2.02 Relates to the community centre part of the application site. The drainage scheme has been redesigned to make cost efficiencies, by including a shallower attenuation system (which includes permeable paving and permavoid attenuation crates) and removing the need for a pumping station. Additionally, the redesigned drainage will avoid the root protection area of protected trees.

*NMA (B):*

- 2.03 For the residential scheme the following amendments are sought:

- canopy projection reduction to community centre;
- internal road alignment to the residential site; and
- elevational and layout changes to the residential plots.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP19, SP20, ID1, DM1, DM3, DM6, DM12; DM19, DM20; DM2; and DM23

Kent Waste and Minerals Plan (amended 2020)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Building for Life; Affordable and Local Needs Housing

- 3.01 Local Plan Review:

- 3.02 On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The

Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

- 3.03 Following publication of the March committee papers, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.
- 3.04 If adopted on the 20 March 2024, at the time of the March planning committee meetings, LPR policies will carry 'substantial' but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period).
- 3.05 There are not considered to be any draft policies in the Local Plan Review that need to be considered in the determination of this specific planning application.

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

- 4.01 Due to the application being for a non-material amendment, public notification was not required.

#### **5. CONSULTATIONS**

##### KCC Flood and Water Management

- 5.01 No objection.

#### **6. APPRAISAL**

- 6.01 The consideration of these applications relates to a single issue, to ascertain whether the proposals constitute a Non Material Amendment.

##### **Non Material Amendment Appraisal**

- 6.02 It is necessary to consider if the proposed amendments fall within the remit of a non-material amendment to parent permission ref. 22/500222/FULL as approved on 1 June 2023.
- 6.03 National Planning Practice Guidance (NPPG) advises that there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. The interests of a third party or body who participated in or were informed of the original decision should not be disadvantaged in any way and the amendment should not be contrary to any policy of the Council.
- 6.04 Each application will be considered in turn below.

##### Application A - 23/505231/NMAMD:

- 6.05 This application covers both the residential and Community Centre elements of the scheme.
- 6.06 In considering the proposal to amend the drainage scheme, it is considered that there wouldn't be notable above ground alterations. The drainage scheme has been redesigned to achieve a more cost-effective build, avoiding root protection areas of TPO trees. Overall, it is considered that the alterations to the drainage scheme would still continue to serve the initially intended purpose for drainage with only

very limited visible changes above ground. Officers are therefore satisfied that Application A would fall within the remit of a Non-Material Amendment.

6.07 For clarity this non-material amendment will amend Condition 30 of the parent application as set out in the table below:

<b>Condition 30 as approved under 22/500222/FULL</b>	<b>Proposed amendment to Condition 30 under 23/505231/NMAMD</b>
<p>Surface Water Drainage for each element of the development hereby approved shall be carried out in accordance with the Drainage Strategy ref K220363/C5/004 dated 29.07.22.</p> <p>Reason: In the interests of pollution and flood prevention.</p>	<p>(deleted text = <del>strikethrough</del> / new text = <b>bold</b>)</p> <p>Surface Water Drainage for each element of the development hereby approved shall be carried out in accordance with <del>the Drainage Strategy ref K220363/C5/004 dated 29.07.22.:</del></p> <ul style="list-style-type: none"> <li>• <b>DWG No. HHM-PPC-00-XX-DR-C-800 P1 – Heather House Drainage Strategy (Residential Site);</b></li> <li>• <b>DWG No. 5978-3201 Rev 06 Heather House Drainage Strategy.</b></li> <li>• <b>Technical Note to Redesign Drainage Strategy - Community Centre Site (11874); and</b></li> <li>• <b>Technical Note to Redesign Drainage Strategy - Residential Site (11874).</b></li> </ul> <p>Reason: In the interests of pollution and flood prevention.</p>

Application B - 23/505593/NMAMD

*Community Centre alterations*

6.08 It is proposed to reduce the canopy projection of the roof. The approved drawings for the community centre showed a 3.6m projecting canopy above the main entrance. Upon technical review it was found that there would be the ability for users of the adjacent skate park and open space to climb onto the roof. Therefore, it is now proposed to reduce the projection of the canopy from 3.6m to 1.8m. It is noted that the canopy will still be sufficient to provide rain cover to the main entrance and the bike storage as originally intended.

*Residential Alterations*

- Realignment of an Internal Road: this is due to the parent application not being compliant with refuse and fire tender tracking and reversing. Officers note that the changes appear to comprise minor chamfering of the road to accommodate the necessary vehicle tracking.
- Elevational and layout changes across the residential units – the following changes are proposed:
  - Levels of glazing reduced – the inclusion of spandrel panels has been proposed to address an overheating issue.
  - Some doors have been moved slightly some associated glazing removed. It is understood that the primary reason to make this change is to address security concerns.

- Glazing has been removed (Plots 9 & 10) as it would open over the boundary, facing the park. This change is to address fire safety requirements and for security.
  - Minor changes to the layout of units have been included to make the layout more efficient.
- 6.09 Since approval of the parent application, the residential development has been subject to a technical appraisal. This exercise has highlighted the need to address fire safety, security, overheating and energy efficiency, mainly to accord with Building Regulations requirements.
- 6.10 The most notable change is to the detached houses where glazing on the second floor at the front, rear and side elevations was proposed to extend into the pitch of the roof. It is now proposed to use more conventional square glazing that does not extend into the roof pitches. It is understood that this particular change is to address overheating and fire safety issues. While a loss in the expanse of glazing is disappointing in design terms, it is considered that overall, the original design concept has been maintained.
- 6.11 In relation to the realignment of the road, this change is not considered to affect the originally conceived design. With regards to elevational and layout changes it is considered that overall, the design concept of the scheme would be maintained.

For the avoidance of doubt the changes proposed to the drawings under Application B (23/505593/NMAMD) are set out in the table below:

<b>Parent Application 22/500222/FULL</b>		<b>This proposal 23/505593/NMAMD</b>	
<b>Drawing title</b>	<b>Approved drawing</b>	<b>Document Title</b>	<b>Replacement Drawing</b>
Elevations Plots 1-5	PL-08 Rev 2	Plots 1-5 Changes Required for Building Regs	5978 HT-A Amendments P1
Elevations Plots 6-8	PL-10 Rev 3	Plots 6-8 Changes Required for Building Regs	5978 HT-B Amendments P1
Elevations Plots 9 - 11	PL-12 Rev.2	Plots 9-11 Changes Required for Building Regs	5978 HT-C Amendments P1
Proposed Plots 1-5 Rev 2	PL-07 Rev.2	White Line Drawing House Type A – Plots 1-5	5978 HT-A 0250 P3
Proposed Plots 6-8 Rev 3	PL-09 Rev.3	White Line Drawing House Type B – Plots 6-8	5978 HT-B 0251 P4
Proposed Plots 9-11 Rev 2	PL-11 Rev.2	White Line Drawing House Type C – Plots 9-11	5978 HT-C 0252 P3
Proposed Residential Site	PL-14 Rev 5	Pavilion Site (Residential): Site Refuse Strategy	0200 P1
Proposed Community Centre Site Rev 3	PL-13 Rev.3	Reduction In Canopy Projection Plan	5978-CC Amendments Rev P1
Proposed Elevations Community Centre	PL-06 Rev.1	Block Plan Elevations Community Centre	2034 P1

## **PUBLIC SECTOR EQUALITY DUTY**

- 6.12 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 Overall, the cumulative impact of applications (A) 23/505231/NMAMD & (B) 23/505593/NMAMD have been taken into account. It is considered that the changes do not materially alter the scheme.
- 7.02 It is therefore recommended that this Non-Material Amendment application is permitted.
- 7.03 Should Application B be minded for approval an informative is suggested to remind the applicant that it is likely to be necessary to re-discharge Condition 10 (materials) in relation to the material finish of the spandrels/window panels.

## **8. RECOMMENDATION**

- (A) Grant Non-Material Amendment under ref. 23/505231/NMAMD**
- (B) Grant Non-Material Amendment under ref. 23/505593/NMAMD**