

REPORT SUMMARY

REFERENCE: (A) 24/502680/NMAMD & (B) 24/503625/NMAMD		
PROPOSAL: Non Material Amendment (NMA) applications to permission ref. 22/500222/FULL as approved on 1 June 2023: (A) Amendments to residential boundary treatment, relocate approved rag stone wall to eastern boundary and erect a close boarded fence along the northern boundary (in lieu of where the wall was located). (B) Amendment to Condition 33 - Remediation strategy and verification plan.		
ADDRESS: Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS		
RECOMMENDATION: (A) and (B) Grant Non-Material Amendment		
SUMMARY OF REASONS FOR RECOMMENDATION: 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.		
REASON FOR REFERRAL TO COMMITTEE: The applicant is Maidstone Borough Council.		
WARD: Park Wood	PARISH/TOWN COUNCIL: Unparished	APPLICANT: Maidstone Borough Council AGENT: Chartway Group
CASE OFFICER: (A) Sean Scott (B) Sam Cowdry	VALIDATION DATE: (A) 03/07/2024 (B) 03/09/2024	DECISION DUE DATE: (A) 31/07/2024 (B) 01/10/2024
ADVERTISED AS A DEPARTURE: 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

23/504835/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

23/505231/NMAMD - 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 – Approved 02.04.2024

23/505593/NMAMD - 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 – Approved 02.04.2024

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site comprises of 2 separate areas within the Parkwood area of Maidstone: The Heather House and the Pavilion sites which are both Council owned buildings adjacent to the Council owned Parkwood Recreation Ground.
- 1.02 The Pavilion Site to the north, which contained a 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 Site fronts Bicknor Road, close to the redevelopment scheme at Wallis Avenue/Longshaw Road. 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.
- 1.05 This application only concerns the Pavilion Site, where the residential element of the permission is proposed.

2. PROPOSAL

Application(A):

- 2.01 Following the approval of the parent application, more detailed work has been undertaken which identified that there would not be enough room to build the ragstone wall along the northern boundary. It is noted that the houses are to be built to the required minimum space standards and in addition the access road and parking spaces are built to minimum requirements. Therefore, if the wall were to be built along this boundary it would encroach into neighbouring gardens.
- 2.02 To address this, it is now proposed to change the boundary treatment to the northern boundary from a 1.8 metre wall to a close-boarded fence for a length of approximately 67 metres – this is shown as Boundary A in the illustration below. It is also proposed that a 1.2 m high ragstone wall is built along the eastern boundary alongside the vehicular entrance, for a length of approximately 7 metres.



Application (B):

- 2.03 The proposed NMA is for the amendment of Condition 33 of the parent application, to update the approved Remediation Strategy and Verification Plan. The report proposes a minor change to the remediation strategy based on reduced level clean cover within the garden of Plot 11 to reflect the Root Protection Area of surrounding trees.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2024): LPRSS1, LPRSP2, LPRSP10(A), LPRSP10(B), LPRSP13, LPRSP15, LPRQ&D1, LPRSP14(A), LPRTRA1, LPRHOU5, LPRINF1, LPRINF2, and LPRTRA4

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

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Due to the application being for a NMA, public notification was not required.

5. CONSULTATIONS

5.01 Application (A) – No consultations undertaken.

5.02 Application (B) – MBC Environmental Protection Officer: no objection

6. APPRAISAL

6.01 The consideration of this application relates whether the proposals constitute a NMA.

Non Material Amendment Appraisal

6.02 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.

Application A - 24/502680/NMAMD:

6.03 This application covers an amendment to the proposed residential element as approved under ref. 22/500222/FULL.

6.04 The proposal seeks to change the boundary treatment on the northern boundary between the car parking and bungalows at Rosemary Gardens from a ragstone wall to a 1.8 metre high close boarded fence. In addition, a lower 1.2 metre high ragstone wall would be located along the eastern boundary alongside the entrance to the development.

6.05 While the preference would be for a more significant area of wall to be provided, it is acknowledged that there are clear reasons for why the wall could not be accommodated in the northern boundary. Primarily this is due to the encroachment onto land not within the ownership of the applicant and it is understood that this is unresolvable without changing the boundary treatment. It is concluded that a close boarded fence would be a suitable alternative option.

6.06 The proposed new wall would be located in a prominent location and whilst lower and shorter than the approved boundary treatment, it would appear as a quality fixture with a high level of permanence and visual prominence and the design intention of the development will continue to be realised.

6.07 The proximity of the fence to the car parking bays is close. To explore this relationship further, officers have the ability to request further details of protection for the fence as part of the condition details of Condition. An application for the approval of application details of pursuant to Condition 11 has been submitted concurrently, as set out in the History Section of this report.

6.08 The aforementioned amendments are not contrary to any policy of the Council.

6.09 It is also necessary to consider the cumulative impact of previously approved amendments to the scheme. Three NMAs have been approved to ref.

22/500222/FULL. It is considered that the proposed cumulative changes are minor in scale and effect when considering the development as a whole.

6.10 Overall, it is considered that this application would meets the tests of being non-material.

6.11 For clarity this NMA would need to amend Condition 2 and Condition 11 of the parent permission under ref. 22/500222/FULL as set out in the Recommendation, below.

Application B - 24/503625/NMAMD:

6.12 This change only affects Plot 11 of the proposed residential site to reduce the level of clean cover. Notably the updated Remedial Strategy and Verification Plan states that a small exclusion zone is required in the garden of Plot 11, to protect the roots of a nearby offsite tree. The report also states that a maximum increase of 100mm of topsoil may be introduced to a root protection area to avoid suffocating existing root growth.

6.13 Environmental Protection have no objection to the suggested amendment.

6.14 It is concluded that this application would fall within the remit of an NMA.

6.15 For clarity this NMA would need to amend Condition 33 (Remediation Strategy and Verification Plan) of the parent permission under ref. 22/500222/FULL as set out in the recommendation, below.

PUBLIC SECTOR EQUALITY DUTY

6.16 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 the applications has been taken into account. It is considered that the changes do not materially alter the scheme, the interests of a third party or body who participated in or were informed of the original decision would not be disadvantaged in any way and the amendments are not contrary to any policy of the Council.

7.02 It is therefore recommended that the NMA applications are permitted.

8. RECOMMENDATION

(A) Grant Non-Material Amendment under ref. 24/502680/NMAMD - subject to the proposed changes to Condition 2 and 11 of permission ref. 22/500222/FULL as approved on 1 June 2023 below:

Condition 2 (approved drawings), amended as follows:

Parent Application 22/500222/FULL		This proposal 24/501047/NMAMD	
Drawing title	Approved drawing	Drawing title	Replacement Drawing
Landscape Masterplan	TD955_01 C	Pavilion Site (Residential) - Boundary Treatments	0110 Rev C1

Condition 11 (fencing, walling and other boundary treatments) amended as follows:

(~~strikethrough~~ = deleted text / **Bold** = new text)

*Above ground construction work on the Community Centre and housing hereby approved shall not commence until details of related fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include a ragstone/brick wall to the ~~north-east~~ **eastern** boundary of the housing site. The development shall be carried out in accordance with the approved details before the first occupation of the related building and retained thereafter.*

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity

(B) Grant Non-Material Amendment under ref. 24/503625/NMAMD subject to the proposed changes to Condition 33 of permission ref. 22/500222/FULL as approved on 1 June 2023 below:

Condition 33 (Remediation Strategy and Verification Plan) amended as follows:

(~~strikethrough~~ = deleted text / **Bold** = new text)

*Prior to occupation of each element of the development hereby approved, a related Closure Report shall be submitted for approval by the Local Planning Authority demonstrating completion of decontamination and remediation detailed in the approved Remedial Strategy And Verification Plan ref P2519J1849/TE version ~~1.2~~ **3.2**. This should 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. Any changes to these components require the express consent of the local planning authority and the scheme shall thereafter be implemented as approved.*

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.