

REFERENCE NO - 21/500849/NMAMD		
APPLICATION PROPOSAL Non material amendment relating to planning permission 20/504860/FULL for alterations to the approved landscaping scheme (Condition 18)		
ADDRESS Maidstone Borough Council Car Park Corner Of Union Street Queen Anne Road Maidstone Kent		
RECOMMENDATION - Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The changes as proposed are considered to be acceptable non-material alterations to the approved scheme.		
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council was the applicant on the original planning application under planning application reference 17/504428/FULL		
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Kevin Crew AGENT Mr Darren Bland
TARGET DECISION DATE 22/03/21	PUBLICITY EXPIRY DATE N/A	

Relevant Planning History

17/504428/FULL

Creation of a new 48 space public car park, together with 30 flats in a stepped block backing onto Queen Anne Road. A row of 6 semi-detached houses fronting Union Street and two terraced rows arranged as a 'Mews' providing 11 houses, together with a new estate road, allocated parking and soft landscaping.

Approved Decision Date: 07.03.2018

20/504860/FULL

Section 73 - Application for Variation of condition 16 (to remove: upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller) pursuant to application 17/504428/FULL

Approved Decision Date: 01.04.2021

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The redevelopment of the site to provide a public car park and residential development was approved under application reference 17/504428/FULL and is currently under construction. This application was subsequently amended by a section 73 planning permission under application reference 20/504860/FULL that amended condition 16 (off site highways improvements) and required a payment in lieu of upgrades to a pedestrian crossing on King Street.

1.02 The application site is to the south of Union Street, and turns the corner to Queen Anne Road which is to the east and southeast. The eastern part of the site previously included a 48 space MBC public car park and a 44 space car park reserved for NHS.

2.0 Proposal

2.01 The proposal is to amend condition 18 of planning application reference 20/504860/FULL. The condition required the development to be built in accordance with the approved landscape details (drawing nos. TD895_01B (sheet1) & TD895_02B (sheet 2)). The changes proposed are shown on submitted drawing TD895_02J and TD895_01J and are outlined in more detail within section 5 of this report.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 H1(12), DM1

4.0 CONSULTATIONS

4.01 As an application under Section 96A of the Town and Country Planning Act 1990, this is not an application for planning permission. Therefore, provisions such as neighbour notification do not apply. Notwithstanding this, the Council's Landscape officer has been consulted and considers that the revised species selection aligns with the approved scheme.

5.0 APPRAISAL

Main Issues

5.01 Section 96a of the Town and Country Planning Act 1990 allows applications for non-material changes to planning permissions. 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.

5.02 It is understood that the applicant has engaged with ward councillors prior to the submission of this application and that changes have been made to the proposed landscaping to reflect these discussions. The proposed changes to the native landscape scheme are outlined below:

Native/ Native cultivar trees/hedges Original 2017 scheme	Native/ Native cultivar trees/hedges 2021 Revision J
Betula pendula (Birch)	still in scheme
Carpinus betulus (Hornbeam hedge)	still in scheme
Prunus Padus Albertii (Bird Cherry cultivar)	still in scheme
Tilia cordata 'Greenspire'	still in scheme
Acer Campestre (Field Maple cultivar)	Replaced with Carpinus betulus A Beckman (Hornbeam cultivar) <i>New</i>

Crataegus laevigata Pauls Scarlet (Hawthorn cultivar)	not suitable for required area - removed
	Taxus bacatta (hedge) <i>New</i>
	Taxus repandens (hedge) <i>New</i>
	Sorbus torminalis (Wild Service Tree) <i>New</i>

Native Shrubs Original 2017 scheme	Native Shrubs 2021 Revision J
Cornus sanguinea (dogwood)	still in scheme
Crataegus monogyna (hawthorn)	still in scheme
Corylus avellana (hazel)	still in scheme
Euonymus europaeus (Spindle)	still in scheme
Rhamnus Cathartica (Purging buckthorn)	still in scheme
Ruscus aculeatus (Butchers Broom)	still in scheme
Viburnum lantana (wayfaring tree)	still in scheme
Viburnum opulus (guelder rose)	still in scheme
	Buxux Sepmpervirens (Box) <i>New</i>

Native Herbaceous ground cover Original 2017 scheme	Native Herbaceous ground cover 2021 Revision J
Carex remota	still in scheme
Carex pendula	still in scheme
Deschampsia Goldtau	still in scheme
Carex divulsa	still in scheme

- 5.03 The revised landscaping scheme is in keeping with the original approved landscape details with landscaping around the outside of the site continuing to provide a soft edge to the development. This will be achieved through the use of soft shrub landscaping and trees inside of the replacement walling for the houses on Union Street, which would be in keeping with the character of front gardens to the north side of Union Street.
- 5.04 Frontage landscaping would also be provided around the eastern boundary of the development on Queen Anne Road to provide a soft edge to the development through prominent native/near native planting in the form of hedging and new trees, mixed with shrubs. This would provide an appropriate soft edge and visual appearance to this frontage of the development.
- 5.05 In accordance with the previously approved landscaping scheme, tree and shrub planting would also be provided inside the site. In total there would be planting of 27 new trees throughout the site, including one additional tree (total of 8 frontage trees) compared to the previous landscape scheme within the street scene on to Union Street and Queen Anne Road.
- 5.06 In addition to the above changes, the applicant is also now proposing to remove the climbing plants previously proposed in the public car park on the western

boundary of the site and replace a shrub mix on the eastern side of the public car park with a mixture of shrubs and a native hedge. It is also proposed to replace an area of wildflower meadow at the entrance to Block 1 with two species of native grasses and 36 species of wildflowers.

5.07 It is considered that the revised landscaping scheme will provide an appropriate setting to the development with good interest and colour, and a mix of native/near native and ornamental species appropriate for this urban site.

5.08 The non-material amendment is considered to be in accordance with policy DM1 (principles of good design) and criterion 4 of policy H1(12) of the Local Plan which require proposals to sensitively incorporate natural features such as trees, hedges and also ensure appropriate semi-mature feature trees are incorporated into this site.

6.0 CONCLUSION

6.01 The proposed alterations to the landscape scheme would not result in significant environmental effects, or significantly alter the approved landscaping scheme for the site. The changes as proposed are considered to be an acceptable non-material alteration to the approved scheme.

PUBLIC SECTOR EQUALITY DUTY

6.02 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.

7.0 RECOMMENDATION – Application Permitted

INFORMATIVES

1) The decision was based on the following plans: TD895_01J and TD895_02J

Case Officer: Adam Reynolds