

REPORT SUMMARY

REFERENCE: 24/501047/NMAMD		
PROPOSAL: Non material amendment to Condition 2 to replace the extent of glazing to the rear and partly to the sides with fire rated cladding 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		
ADDRESS: Heather House, Bicknor Road, Maidstone, Kent, ME15 9PS		
RECOMMENDATION: Grant Non-Material Amendment		
SUMMARY OF REASONS FOR RECOMMENDATION: It is considered that the proposed change is of a scale and nature that it falls within the remit of a Non Material Amendment to the parent permission, ref. 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: Sean Scott	VALIDATION DATE: 12/03/2024	DECISION DUE DATE: 09/04/24
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

23/504215/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

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: 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, a technical review has been undertaken which means that an amendment to the proposal for the new community centre will be necessary in order to meet Building Regulations Part B – External Fire spread ‘Unprotected areas’.
- 2.02 It is proposed to replace the approved vertical glazed panels (Profilit Glazing) to the rear elevation and side elevation returns each by 2.6m with cladding (Hardie Plank VL) in an anthracite grey colour and it is shown to be installed vertically. The cladding is a fire rated material.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan – (2017) & Local Plan Review (2024)

- 3.01 The latest position on the Local Plan Review at the time of writing is that this Council invited the Inspector to make any changes necessary to the Main Modifications in order to make the Plan sound. The Inspector has done so in his Final Report (8 March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18, 19 and 20, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (i.e 6 weeks from the date of the Council’s decision) and so, at this stage, the Plan enjoys ‘substantial’ weight.’
- 3.02 Relevant policies set out in the table below:

Policy Title (2017/2024)	Maidstone Borough Local Plan (2017)	Local Plan Review (2024)
Maidstone Borough spatial strategy	SS1	LPRSS1
Maidstone Urban Area	SP1	LPRSP2
Housing Mix	SP19	LPRSP10(A)
Affordable Housing	SP20	LPRSP10(B)
Infrastructure Delivery	ID1	LPRSP13
Principles of good design	DM1	LPRSP15
Sustainable design	DM2	LPRQ&D1
Natural environment	DM3	LPRSP14(A)
Air quality	DM6	LPRTRA1
Density of housing Development /	DM12	LPRHOU5

Density of residential development		
Open space and Recreation / Publicly accessible open space and recreation	DM19	LPRINF1
Community facilities	DM20	LPRINF2
Parking standards / Parking	DM23	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 non-material amendment, public notification was not required.

5. CONSULTATIONS

- 5.01 No consultations undertaken.

6. APPRAISAL

- 6.01 The consideration of this application relates to a single issue, to ascertain whether the proposals constitute a Non Material Amendment (NMA).

Non Material Amendment Appraisal

- 6.02 It is necessary to consider if the proposed amendments fall within the remit of a NMA 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 This application covers an amendment to the community centre element as approved under ref. 22/500222/FULL.
- 6.05 The proposal seeks to reduce the expanse of glazing on the community centre building. It is noted that the glazed top element of the building would be a striking feature illuminated by lighting from within the building.
- 6.06 The proposed cladding would fully cover the rear of the top feature (which faces the park) and part of the sides by 2.6 m. While officers have a preference for the fully glazed feature, there is clear justification for this change in order to meet Building Regulations Part B – External Fire spread 'Unprotected areas'.
- 6.07 Officers are satisfied that the overall design intention of the building will continue to be realised. Notably the key elevation is the front of the building, facing the street

which would be unchanged. The sides would also remain predominantly glazed and the way that the cladding partially wraps around to the sides is considered to create a greater sense of cohesion with regards to the material palette. Furthermore, the cladding would be similar in colour which matches the fascia to the top of the roof.

- 6.08 In assessing whether the proposed change is an NMA, it is necessary to also consider the cumulative impact of previously approved amendments to the scheme. As set out in the Relevant Planning History, two NMA's under refs. 23/505231/NMAMD & 23/505593/NMAMD were approved on 2 April 2024. Taking all changes into account, it is considered to be the case that this application would be non-material.
- 6.09 Officers are therefore satisfied that this application would fall within the remit of a NMA.
- 6.10 For clarity this non-material amendment will amend the following drawing under Condition 2 (approved drawings) of the parent application, as set out in the table below:

Parent Application 22/500222/FULL		Subsequent approved NMA 23/505593/NMAMD		This proposal 24/501047/NMAMD	
Drawing title	Approved drawing	Drawing title	Approved drawing	Drawing title	Replacement Drawing
Proposed Elevations Community Centre	PL-06 Rev.1	Block Plan Elevations Community Centre	2034 P1	Block Plan Elevations Community Centre	SK13 P2

PUBLIC SECTOR EQUALITY DUTY

- 6.11 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 previous applications has 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.

8. RECOMMENDATION

Grant Non-Material Amendment