

**MC/22/3020**

**Date Received:** 23 December 2022  
**Location:** Land At Town Road Cliffe Woods  
Rochester Medway  
**Proposal:** Variation of condition 1 of planning permission MC/21/1287 to enable change to the proposed landscaping to remove pond and replace with small traditional orchard.  
**Applicant** Redrow Homes Limited  
Ms Josephine Baker  
**Agent** DHA Planning  
Mr Joseph Heraghty  
Eclipse House  
Eclipse Park  
Maidstone  
ME14 3EN  
**Ward:** Strood Rural Ward  
**Case Officer:** Wendy Simpson  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th April 2023.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 29 December 2022:

2968-PP-08 Rev P1 Detailed Planting Plan for Public Open Space - Proposed Orchard (within the document Biodiversity Net Gain Assessment)

2968-PP-01 rev P6 Detailed Planting Plan for Public Open Space - Sheet 01 (within the document Biodiversity Net Gain Assessment)

2968-PP-02 rev P8 Detailed Planting Plan for Public Open Space - Sheet 02 (within the document Biodiversity Net Gain Assessment)

Received 24/1/22;

2968-LA-03 P6 Detailed general arrangement plans for public open space sheet 02

2968-PP-05 P5 Detailed planting plans for public open spaces sheet 05

Received 6/12/21;

18953 1 of 4 Rev A Hard Landscape Proposals-Sheet 1 of 4

18953 2 of 4 Rev A Hard Landscape Proposals-Sheet 2 of 4

18953 3 of 4 Rev A Hard Landscape Proposals-Sheet 3 of 4  
18953 4 of 4 Rev A Hard Landscape Proposals-Sheet 4 of 4  
2968-LA-02 P5 Detailed general arrangement plans for public open space sheet 01  
2968-LA-04 P5 Detailed general arrangement plans for public open space sheet 03  
2968-LA-05 P5 Detailed general arrangement plans for public open space sheet 04  
2968-LA-06 P5 Detailed general arrangement plans for public open space sheet 05  
2968-LA-07 P6 Detailed general arrangement plans for public open space sheet 06  
2968-PP-03 P4 Detailed planting plans for public open spaces sheet 03  
2968-PP-04 P4 Detailed planting plans for public open spaces sheet 04  
18953 1 of 4 Rev B Soft landscaping 1 of 4  
18953 2 of 4 Rev B Soft landscaping 2 of 4  
18953 3 of 4 Rev B Soft landscaping 3 of 4  
18953 4 of 4 Rev B Soft landscaping 4 of 4  
House Type Brochure Cliffe Woods Rev C  
A / 937 / 55 Rev C Street Scenes AA-CC  
A / 937 / 56 Rev C Street Scenes DD-EE  
A / 937 / 3 Sheet 1 Rev K Planning Layout  
A / 937 / 3 Sheet 2 Rev K Planning Layout  
A / 937 / 5 Rev D Material Plan  
A / 937 / 6 Sheet 1 Rev C Enclosure Plan  
A / 937 / 6 Sheet 2 Rev C Enclosure Plan  
A / 937 / 7 Rev B Massing Plan  
A / 937 / 8 Sheet 1 Rev C Parking Plan  
A / 937 / 8 Sheet 2 Rev C Parking Plan  
A / 937 / 9 Rev B Occupancy Plan  
A / 937 / 10 Rev B Affordable Plan  
A / 937 / 11 Rev C Refuse Plan  
A / 937 / 12 Rev D Apartment Floor Plans  
A / 937 / 13 Rev D Apartment Elevations  
A / 937 / 50 Rev A Character Area Plan  
A / 937 / 71 Snowdon Special Plans  
A / 937 / 72 Snowdon Special Elevations  
4005-CON-00-XX-DR-C-371 Rev P01 Main s278 works and proposed site layout overlay  
2968-LA-08 P7 Landscape Strategy

Received 06/09/21;

2695-CON-00-XX-DR-C-510 P02 Drainage Layout Sheet 1 of 16  
2695-CON-00-XX-DR-C-511 P02 Drainage Layout Sheet 2 of 16  
2695-CON-00-XX-DR-C-512 P02 Drainage Layout Sheet 3 of 16  
2695-CON-00-XX-DR-C-513 P02 Drainage Layout Sheet 4 of 16  
2695-CON-00-XX-DR-C-514 P02 Drainage Layout Sheet 5 of 16  
2695-CON-00-XX-DR-C-515 P02 Drainage Layout Sheet 6 of 16  
2695-CON-00-XX-DR-C-516 P02 Drainage Layout Sheet 7 of 16

2695-CON-00-XX-DR-C-517 P02 Drainage Layout Sheet 8 of 16  
2695-CON-00-XX-DR-C-518 P02 Drainage Layout Sheet 9 of 16  
2695-CON-00-XX-DR-C-519 P02 Drainage Layout Sheet 10 of 16  
2695-CON-00-XX-DR-C-520 P02 Drainage Layout Sheet 11 of 16  
2695-CON-00-XX-DR-C-521 P02 Drainage Layout Sheet 12 of 16  
2695-CON-00-XX-DR-C-522 P01 Drainage Layout Sheet 13 of 16  
2695-CON-00-XX-DR-C-523 P01 Drainage Layout Sheet 14 of 16  
2695-CON-00-XX-DR-C-524 P01 Drainage Layout Sheet 15 of 16  
2695-CON-00-XX-DR-C-525 P01 Drainage Layout Sheet 16 of 16  
2695-CON-00-XX-DR-C-530 P01 Drainage Details Sheet 1 of 2  
2695-CON-00-XX-DR-C-531 P01 Drainage Details Sheet 2 of 2  
2695-CON-00-XX-DR-C-532 P01 Drained Area Analysis Sheet 1 of 2  
2695-CON-00-XX-DR-C-533 P01 Drained Area Analysis Sheet 2 of 2  
2695-CON-00-XX-DR-C-1870 P03 Vehicle tracking refuse 1 of 2  
2695-CON-00-XX-DR-C-1871 P03 Vehicle tracking refuse 2 of 2  
2695-CON-00-XX-DR-C-1880 P03 Visibility splays 1 of 2  
2695-CON-00-XX-DR-C-1881 P03 Visibility splays 2 of 2

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the approved drawings and anything that could be undertaken under permitted development, at no time during or after the development shall a formal pedestrian or vehicular access to either Mortimers Avenue or Ladyclose Avenue from the application site be formed without the prior formal approval in writing of the Local Planning Authority.

Reason: In the interests of highway safety and the residential amenity of occupiers of adjacent properties.

- 3 Prior to the first occupation of any of the dwellings hereby approved, full details, including distribution, of the proposed Homeowners Packs, as detailed within the submitted ecological mitigation and enhancement strategy, shall be submitted to and approved in writing by the Local Planning Authority. The approved homeowners pack shall be provided to every new occupier (the first new occupier for each dwelling unit) on the first day of their occupation.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning Policy Framework.

- 4 The development shall be carried out in accordance with the climate change and energy efficiency measures detailed in the letter Redrow Homes - Sustainability and Energy Efficiency dated and received 1 February 2022. Prior to the first occupation of the 184th dwelling a verification report shall be submitted to and approved in writing by the local planning authority. The verification report shall detail and confirm the measures that have been implemented as approved.

Reason: In the interests of energy efficiency and climate change in accordance with paragraphs 8, 149, 150 and 151 of the National Planning Policy Framework.

## Proposal

This application is submitted under section 73 of the Town and Country Planning Act to amend the approved plans (condition 1) to allow for the removal of the standing pond from the development and the inclusion of a small orchard area.

The applicant advises that the pond was a landscape pond which also created a new ecological habitat onto the site. The need to remove the pond relates to technical constraints in relation to the drainage infrastructure for the development. The agreed drainage, to be adopted by Southern Water, will have a restrictive easement area into which no pond would be able to be constructed.

On removal of the pond that area, within the easement, will be replaced with a small orchard of 4 cherry trees and 5 apple trees outside of the easement within the same green space.

## Relevant Planning History

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|------------|---|
| MC/23/0272 | Details pursuant to conditions 9 (tree and hedge protection), 15 (ecology mitigation) and 16 (ecology management) on planning permission MC/19/0287 - Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works. (Under consideration). |
| MC/22/2480 | Application for a non-material amendment to planning permission MC/21/1287 to replace the formerly proposed pond with a mini orchard comprising of 4 cherry trees and 5 apple trees (Refusal 4 November 2022).  |
| MC/22/1278 | Details pursuant to condition 8 (levels) 25 (acoustic measures) 29 (CSWMP) on planning application MC/19/0287 - Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works. (Discharged 13 March 2023).                                  |
| MC/21/1287 | Application for approval of reserved matters being appearance, landscaping, layout and scale, pursuant to planning permission   |

MC/19/0287 - Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works. (Approved 10 February 2022).

MC/19/0287 Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

Approved February 24, 2021

MC/16/3669 Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 225 residential dwellings including 25% affordable housing) including structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

Refused 5 May 2017

Appeal Dismissed 8 November 2018

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

National Grid, LLFA, KCC Archaeology, KCC Biodiversity, Chatham maritime Trust, Gravesham Borough Council, NHS Medway, EDF Energy, Southern Gas Networks, Southern Water, National Highways, RSPB, Natural England, Kent Wildlife Trust, Sport England, Kent Police, Cliffe and Cliffe Woods Parish Council and Marine Management Organisation have also been consulted.

**4 letters** raising objections have been received from 3 households. Of the matters raised, those that are related to the proposed amendment are:

- The pond is close to a boggy area of the original fields, close to a ditch and brook and its location makes sense.
- The proposal is to avoid diverting the drainage not for ecological reasons.
- The pond will help mitigate local flooding and to address climate change.

- The pond will provide good habitat to attract wildlife.

**1 letter** of support has been received as the author considered the pond to be dangerous to small children.

The **Dickens Protection Society** object to the proposal stating that having reviewed the original masterplan and Biodiversity Assessment they conclude that the loss of the proposed wet woodland could be significant.

**Cliffe and Cliffe Woods Parish Council** do not object to the change.

**Lead Local Flood Authority** advise that they have no objections to the proposal. **KCC Biodiversity** advise that whilst the proposal would still anticipate a Biodiversity Net Gain there will result a reduction in the types of habitats within the site that can benefit biodiversity. Ideally a reprovision of permanent water would be desirable with some redesign.

**Last Mile Asset Management** provided a generic response with plans of their infrastructure in the area.

**UK Power Networks** provided a generic response with plans of their infrastructure in the area.

**National Grid Electricity** advise the proposal will not affect any of their apparatus.

**National Grid Gas** advise the development is within the high-risk zone for their apparatus and they need their asset protection team agreement.

**Southern Gas Network** provided a generic response with plans of their infrastructure in the area.

**Sport England** advise the proposal does not fall within their remit.

**Marine Management Organisation** provide a generic response relating responsibilities under their licensing regime and planning regulations.

**Southern Water** advise that they have no objections.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The principle of the development has been established by the granting of outline planning permission under application ref: MC/19/0287 for up to 225 dwellings and remains unchanged by the reserved matters permission and this subsequent variation application.

### *Appraisal*

The approved pond under discussion does not have any inflow from the agreed surface water drainage network. Nor does it form any part of the drainage network that was agreed under the Reserved Matters application. Therefore, the surface water drainage on the site would not have reached this pond and so the filling of the pond would have needed to be mechanically driven via filters to keep water from stagnating.

The agreed drainage design, under the Reserved Matters application, for both the residential and allotment aspects of this development includes extensive SuDS networks. However, the agreed site layout and drainage design does not incorporate the pond forming part of the SUDs system. Correspondence has been provided between the developer and Southern Water in which Southern Water advise the pond cannot be located within the easement if it is to be adopted by them.

Both the residential and allotment aspects employ a positive drainage network with strategic under-drained swales and attenuation basins that receives surface water from impermeable areas and then stores it prior to discharging to the nearby ditch at a restricted rate. As the pond does not form any part of the approved drainage infrastructure for the site its volume allowance of the pond does not need to be catered for somewhere else on site and the approved drainage system would not need to be adapted to allow for the loss of the pond.

Whilst it is acknowledged that the removal of the pond from the scheme does mean this habitat type will be lost from the site their replacement with a small orchard would not substantially change the Biodiversity Net Gain percentage intended to be achieved on site. Whilst there has been a slight reduction, the proposal will still deliver >20% net gain, which was the required BNG net gain level in this case.

The applicant has applied to discharge conditions 9 (tree and hedge protection), 15 (ecology mitigation) and 16 (ecology management) of the outline planning permission on the basis of this revised scheme and that is currently under consideration.

## **Conclusions and Reasons for Approval**

The approved drainage layout and SUDs system is separate from the pond, and the easement for the approved drainage would preclude the pond location. The BNG level would still achieve the required level with the loss of the pond and provision of the

small orchard. As such the proposal is in accordance with Policies BNE1, BNE2, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 112(e), 126, 130, 130(f) of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>