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Gibraltar Farm Ham Lane Hempstead

APPLICATION: (A) 19/500765/OUT (B) 19/501988/ADJ

Local Representations

Since the publication of the Committee report, further representations have been received.

A total of 47 emails from local residents of Medway and Maidstone Borough reiterating previous points made as detailed in the main agenda report with additional points summarised as:

- Acoustic fencing needed along the traffic routes in Medway
- Medway Council has refused the development
- It is against the emerging Medway Local Plan which has earmarked brownfield sites supported by Government infrastructure funding
- Appeal dismissed off of Pump Lane, Rainham, due to unacceptable pressure on the strategic network
- This proposed development will have a knock on effect to Services covered by Maidstone
- Support your neighbouring council: Medway did NOT (and does not) want this development
- will negatively impact on Maidstone's residents in Bredhurst and Boxley and Lordswood
- Decision should be postponed until lockdown is over as many people will not have access to computers in libraries to object.
- Due to Hempstead Valley Shopping Centre, any new retail space will not be supported
- Granting this application will open the floodgates for the destruction of further swathes of land across Medway, Maidstone and beyond

Hempstead Residents Association has commented:

- The extant permission has no realistic prospect of being implemented due to the lack of access, so is not a realistic fallback.
- The consideration has little regard for the impacts on residents of Hempstead who have consistently opposed the development
- No comments from Medway Council is a matter of concern
- Should be a requirement to secure the passing bays on Westfield Sole Road so that there is no scenario of being unable to deliver the improvements.
- A construction management plan is needed to ensure no use of unsuitable routes.
- Likelihood of cumulative impacts within Hempstead particularly in respect of approved works to the Shopping Centre as well as current applications.
- Advance tree planting along the boundary needs to be retained and any trees dying within the first 5 years to be replaced (ie. combine conditions 8 and 11).

Cllr R Chambers (Member of Medway Council for Hempstead & Wigmore) has commented (Summarised):

- The highway works are premature

- MBC should defer until Medway Council has determined
- Hempstead Road/Chapel Lane/Sharsted Way and Capstone Road are already heavily used by local traffic but also as a cut through to and from Maidstone.
- Agree and support Bredhurst and Boxley PCs in their objections
- It is naïve that the volumes of traffic through Boxley and Bredhurst would be as little as set out: using 2011 Census is totally unrealistic.
- Hempstead will suffer severe highway safety and cumulative impact on local roads Hempstead Valley Shopping Centre intends to expand which would add to highway problems
- The applicant glazes over and dismisses the pressures on Junction 4 of the M2 and the Hoath Way approach
- Directing traffic through Hempstead is totally unacceptable to local residents and their elected representatives.
- Further independent investigation of the severe traffic issues of the area needed
- Having no construction traffic using roads within the MBC area places all effect of this development on Hempstead and Lordswood
- Within Capstone Valley Area of Outstanding Natural Beauty (AONB) and forms part of the green wedge between Medway and Maidstone.
- Exceedingly visually intrusive in what is at present largely open countryside.

Discussion

Many of the points raised by the additional representations have been addressed in the main report. It should be noted that Capstone Valley is an Area of Local Landscape Importance, not AONB. Medway Council did grant approval for the resubmitted scheme (MC/18/0556), albeit in the knowledge that access was not in the control of the applicant.

On a cross boundary case such as this, both LPAs have to approve the development for the developer to be able to proceed. It is for Medway Council to consider issues that effect its district. If Medway choose to refuse their application in due course, that is their prerogative and any decision by MBC has no bearing on their right to do so. It is not appropriate for MBC to refuse a planning application based on impacts that are beyond its administrative boundary. Such matters that should be considered solely by Medway Council.

In response to the suggestion of prematurity, suggested condition 2) ensures that the development of the highway access in MBC cannot proceed separately from an approval for the houses to be served by it.

It is considered that it is more appropriate for Medway Council to oversee a Construction Environmental Management Plan for approval in consultation with both Local Highway Authorities and this is already included in the representation recommendation on application (B). However, it is a suggested head of term for the s106 that no construction traffic routes through via Westfield Sole Road or the villages of Boxley or Bredhurst so control against inappropriate routes through the MBC district is secured.

Members will note from the agenda report that the applicant has offered £100k towards the villages of Boxley and Bredhurst without prejudice. The applicant continues to submit that their works to improve carriageway capacity within Medway means that there will not be congestion that would result in more than minor increases in traffic through those villages.

The application was submitted in February 2019 so it is not agreed that the recent closure of libraries due to Covid-19 has prevented local residents making representations.

As to the suggestion that there be further independent investigation of the traffic issues, the TA from the Applicant's Transport Consultant has been examined by KCC and by consultant Highway Engineers appointed by Medway Council.

The suggestion to amend condition 8 on the tree screening buffer is agreed.

Other Matters

Further detail on the cycleway/footway link via Byway RC9 has recently been submitted and is being examined by Medway Council officers as to feasibility. Any relevant feedback will be verbally reported.

Suggested Conditions 9 (LEMP) and 18 (Ecological Management Plan) and 19 (fencing) can be amended to ensure that there is clarity on expectation for native landscaping within sustainable and defensible blocks, significant provision for integral niches for birds and bats, 'hedgehog highways' and wildlife friendly drainage infrastructure.

In terms of Renewable energy generation, within the Borough of Maidstone, there is no scope except for potentially the highway lighting and signage but this should be encouraged in the representation to Medway Council, similarly with regard to consolidation and buffering of existing hedges/woodland as a priority.

Conclusion

The recommendation remains unchanged

Amended Conditions (A) 19/500765/OUT

8) No dwelling shall be commenced above slab level until advance planting of tree screening buffer of at least 20m in width along the boundary with the Borough of Maidstone has been carried out in accordance with details that have been submitted and approved by the Local Planning Authority. The details shall include a planting specification, a programme of implementation and a 10 year management plan. Any tree which, within five years from the first occupation of a property dies or becomes so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with trees of the same species and size as detailed in the approved scheme unless the local planning authority gives written consent to any variation.

Reason: To accord with the terms of the application and in the interests of rural visual amenity.

9) A landscape and ecological management plan (LEMP), including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. It shall include native landscaping within sustainable and defensible blocks, significant provision for integral niches for birds and bats, 'hedgehog highways' and wildlife friendly drainage infrastructure. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area.

18) Prior to occupation, a detailed site wide ecological management plan should be produced and submitted to for approval of the LPA. It shall include

- Details of the habitats to be managed
- Details of the aims/objectives of the management

- Rolling 5 year management plan
- Dates of when the management plan will be reviewed and updated
- Details of who will be implementing the management.
- Details of on going monitoring

It shall include native landscaping within sustainable and defensible blocks, significant provision for integral niches for birds and bats, 'hedgehog highways' and wildlife friendly drainage infrastructure. The plan must be implemented as approved.

Reason: In the interests of biodiversity.

Amended Representations (B) 19/501988/ADJ

- Compliance with the Site Wide Ecological Mitigation which should include native landscaping within sustainable and defensible blocks, significant provision for integral niches for birds and bats, 'hedgehog highways' and wildlife friendly drainage infrastructure. Consolidation and buffering of existing hedges/woodland should be a priority.
- Advance planting of a tree buffer screen adjacent the Borough of Maidstone which should accord with details of a planting specification, a programme of implementation and a 10 year management plan with replacement of dead or dying trees within 5 years of first dwelling occupation.
- Maximise scope for on site Renewable energy generation