



The Bearsted & Thurnham Society

The Residents Association for the Civil Parishes of Bearsted and Thurnham



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Richard Timms
Principal Planning Officer
Maidstone Borough Council
Maidstone House
King Street
Maidstone
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8th February 2020

Dear Mr Timms,

Land to the west of Church Road, Otham.

Further to our letter 6th February we wish to submit the following additional information.

The Inspector at the Local Plan Public Inquiry stated in his report that the MBC submitted Draft Local Plan was inconsistent with National Policy for the historic environment. Indeed, he had to include a major modification (MM12) known as strategic Policy SP18, 'Historic Environment' to be inserted, to allow the adoption of the Local Plan.

The Inspector also had to include another relevant major modification (MM19) for inclusion, in view of MBC's lack of protection of heritage assets such as the Grade I Listed Buildings in the Borough, which includes St Nicholas Church, Otham.

Paragraph 178 in Section 15 of the Local Plan states that "Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination. This includes risks arising from natural hazards of former activities such as mining..."

The Geophysical Survey completed as a part of the archaeological investigations, only used a magnetometer so only anomalies down to a depth of 1m are able to be detected by that method. It has not, therefore, picked up any existing features or voids below that depth. Only Ground Penetrating Radar would show such features including any evidence of existing solution features below the surface or any historic underground ragstone mining around the edges of the site.

Furthermore, the Geophysical Survey has a curious absence of data on the edge of the site just north of Squerryes Oast. The data that is shown in the survey report, highlights the beginnings of a significant magnetic anomaly around the edges of that missing data, which could be a variety of features. Many older local residents are aware of a persistent tradition of a plague burial pit in that vicinity.

It is clear that further, more detailed and intrusive investigations need to be carried out on the site before development is approved.

Paragraph 193 in Section 16 of the Local Plan indicates that when considering the impact of a proposed development, "great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Historic England recognised the severity of the harm to the setting and significance of the Grade I Listed St Nicholas Church, in their letter dated 9 May 2019, being built of local Kentish Ragstone and extensively known as "the church in the fields".

But then, Historic England considered the harm to be minimised (not 'less than substantial'), in their letter dated 2 August, due, apparently to a relatively small increase in a landscape and the addition of a dedicated church car park which it regarded as a "heritage benefit". The reasons for this significant change of opinion is not fully explained. However, MBC Planning Committee members agreed on 24 October 2019 to remove this dedicated car park close to the church, indicating users of the church could continue to park on Church Road. They thus removed the very condition which Historic England required to withdraw their original objection. Logically therefore, Historic England's major objection to the development is now be restored! ***There is no record available to the public which indicate MBC has advised Historic England of this decision. Downswood parish council have written to Heritage England to ascertain their latest view but have not received any response.***

In the Local Plan, Paragraph 194 indicates that substantial harm to a Grade I Listed Building, as this development would undeniably cause, if allowed to proceed, should be "wholly exceptional". Paragraph 195 then goes on to state local planning authorities should refuse consent where a proposed development will lead to substantial harm unless "SUBSTANTIAL public benefits ... outweigh that harm". As part of the public, local residents cannot see any public benefits, let alone substantial benefits.

St Nicholas church is Grade I listed. Other Grade I buildings that include ragstone in their construction are Windsor Castle, Westminster Abbey, the Tower of London, Dover Castle and Ightham Mote. These buildings all enjoy the same level of protection that should be afforded St Nicholas Church, Otham, by the MBC Planning Authority. ***Would any other local planning authority ever consider allowing the construction of a housing development immediately next to any of those Grade I Listed Buildings?***

The most recent Planning Statement submitted by the developer shows that the proposals also fail to comply with the Adopted Maidstone Local Plan Policies:

SP18 Heritage Assets - the proposal is NOT protecting and enhancing heritage assets, where possible, nor were Otham or Downswood Parish Councils given any real opportunity to collaborate.

DM1 Principles of Good Design - the proposal does not meet all the required criteria set out:

- It does NOT respond positively to and where possible enhance the local, natural or historic character of the area. Nor has particular regard been paid to scale and height by proposing three storey apartment blocks which, contrary to the developers Design and Access Statement, do NOT exist in the immediate area.
- It does NOT respect the amenities of occupiers of neighbouring properties and uses.
- There is no evidence that the developer has ensured that the development does not result in or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. In particular, Chapman Avenue, The

Beams and 17-55 Woolley Road (all single storey!) are existing properties that would be overlooked by the three storey apartment blocks and lose their existing views of the countryside.

DM3 Natural Environment - the proposal does NOT take full account of the biodiversity present or take full account of the potential effects of change on the landscape as an environmental resource together with views (of existing local residents) and visual amenity.

DM4 Heritage Assets - the proposal does NOT incorporate measures to conserve, and where possible, enhance the significance of the heritage asset and its setting. Its impact on the setting and significance of St Nicholas Church, a Grade 1 listed building, and has retained its rural setting, 'the church in the fields' for over 800 years; even after the building of the Downswood estate to the north, as it is well screened by trees and by the lower level of the housing as the estate slopes down towards the River Len.

Key Issue 3 on Page 6 of the Local Plan is the "protection of the built and natural heritage". The Plan also states on Page 7 that "The characteristics, distinctiveness, diversity and quality of the Borough's heritage assets will be conserved and enhanced" as part of the Council's spatial vision.

This planning application on land next to the church is contrary to the Council's own policy on the protection of heritage assets! The scheme will destroy its setting (an essential part of the Grade I listing) and promote the urbanisation of the local environment, given it will be on higher ground than the Church. The exceptional 3 storey height of some of the buildings, the inclusion of novel and alien architectural features such as cupolas, and the density of the development all fail to respect the local vernacular building styles, will block views of the church and destroy its current pastoral setting.

Further, the removal of the car park as desired by MBC members and the increased amount of traffic using the narrow country lane which is Church Road would render any parking on that road highly dangerous. This will severely affect attendance for activities at the church which must put its continued viability as risk.

DM12 Density of Housing Development - the proposal would compromise the distinctive character of the area in which it is situated. It should be refused permission because the development includes incompatible architecture (see above), fails to make efficient use of the land for housing, and has no regard to the character and location of the area.

Section 38(6) of the Planning and Compulsory Purchase Act states that planning applications must be determined in accordance with the development plan (in this case the Adopted Local Plan) unless material considerations show otherwise! There are now plenty of material considerations and evidence of them to indicate this proposal is not in accord with the Adopted Local Plan.

For all the reasons given in our letter dated 6th February and the additional reasons given above we request that the applications are rejected.

Yours sincerely,

Caroline Vanhecke
Chairman