

**Tonbridge**                      **558677 145792**    **1 August 2014**                      **TM/14/02674/OA**  
Vauxhall

Proposal:                      Outline application for the demolition of existing buildings and erection of a 63 bedroom care home (use class C2), with associated parking and landscaping  
Location:                      31 - 36 Quarry Hill Road Tonbridge Kent TN9 2RS  
Applicant:                      Castlemead Group Ltd, Porthaven Care Ltd & Thomas Aston Home

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**1. Description:**

- 1.1 This application is in outline form with *only the matter of Access reserved for future consideration*. Therefore, matters of Appearance, Landscaping, Layout and Scale are to be determined at this stage.
- 1.2 This application is an alternative to the one refused last year under ref. TM/14/01572/FL and which was the subject of a dismissed appeal. The implications of that appeal decision for the decision on this current case are set out in the Determining Issues section below.
- 1.3 As with the previous scheme, the proposed building would have a 'T' shape plan form and its frontage, along Quarry Hill, is 43m in length. The maximum depth of the building would be 41m. The height of the building varies between 6.5m and 10.2m. This is due to the fact that the building contains both 2 and 3 storey elements.
- 1.4 The building is designed, on its Quarry Hill frontage, to suggest a complex of smaller domestic style buildings that have grown up over time, and comprises six separate visual elements each with a subtly different design vocabulary. The building will be constructed, externally, predominantly from facing brickwork with some elements of render. Complementary/contrasting brickwork and reconstituted stone banding would be used across the external elevations and above windows. On the front elevation, the building would utilise both pitched and flat roof elements.
- 1.5 Whilst access is a Matter reserved for future consideration, indicative details have been provided at this stage and there is limited opportunity for flexibility of location given the other matters to be decided in this application. The existing access points within the site would be closed off and a new single point of access would be formed at the southern end of the site to serve the new care home. Nineteen car parking spaces would be provided to the south of the building, together with a turning head and covered cycle racks. The parking and access arrangements are the same as those specified in the previously refused scheme.

1.6 A communal garden would be created on the north side of the building and additional tree and shrub planting will take place along all four boundaries. It is also proposed to erect a 1.8m high acoustic fence along the southern boundary of the site and make good the rear (east) boundary walls with matching brickwork. It is also proposed to erect a 1.8m high close boarded fence around part of the rear (east) and north (side) boundaries of the site. To the front of the site, a dwarf brick wall with railings would be erected, measuring 1.2m high, behind which a row of 5 hornbeam trees would be planted.

**2. Reason for reporting to Committee:**

2.1 At the request of both Ward Councillors in light the recent planning history of the site and responses from local residents in light of that history.

**3. The Site:**

3.1 The site is located within the urban confines, to the south of the town centre. The site is located on the east side of Quarry Hill Road and contains 4 separate properties at present. The site of 31 Quarry Hill Road is now vacant, with the remainder of the site occupied by two storey, pitched roof buildings. The buildings are not occupied and have been recently been the subject of vandalism which was documented in the local press. The site lies partly within the Quarry Hill Conservation Area.

**4. Planning History (relevant):**

TM/10/01707/CA	Approved	24 March 2011
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Conservation Area Consent: Demolition and site clearance of Gilbert House

TM/14/01572/FL	Refuse	23 June 2014
	Appeal dismissed	24 October 2014

Demolition of existing buildings. Erection of a 63 bedroom care home (use Class C2), with associated access, parking and landscaping (resubmission)

**5. Consultees:**

5.1 KCC (Highways): The application is similar to a previous application (TM/14/01572/FL) for a care home on the same site. This application and the subsequent appeal was refused on grounds of visual appearance and not on highway grounds. The effects of the development on the highway have been considered previously and all concerns were addressed. The access and parking provision remains unchanged from the previous application and these are acceptable. I confirm that I do not wish to raise objections.

5.2 Private Reps: 42/1X/0S/13R. The reasons given for objecting to this application are as follows:

- It will have a detrimental effect on traffic circulation and road safety.
- Parking provision falls significantly below guidelines and will result in parking in already congested area.
- Cycle storage is to be applauded but it is unrealistic to expect staff to cycle to work along this busy road.
- The demolition of the existing building and replacement with a large modern building will be detrimental to the appearance of the area.
- The existing buildings should be retained.
- The scale, bulk and appearance of the building is wholly out of keeping with the surrounding area. No consideration has been given to the Quarry Hill Conservation Area.
- The building will have a negative impact upon existing historical buildings, such as St Stephens Church.
- The proposal is an overdevelopment of the land.
- The building will block out light and cause noise pollution.
- The development is contrary to development plan policies CP 24 and SQ 1, and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- Loss of retail units.
- Harm to outlook of adjacent residential properties.

## **6. Determining Issues:**

6.1 While the key starting point in any decision on a planning application is the Development Plan and any relevant national policy and other material consideration, in this case there has been no change in policy framework since the most recent appeal.

6.2 Therefore a significant material consideration to take into account when assessing this particular application is the decision of the Inspector in dismissing the appeal submitted by the applicants concerning the previous scheme to develop a care home on this site. In essence it is necessary to assess whether the factors found unacceptable by the Inspector have been overcome in the current case. The pertinent comments of the Inspector relating to different issues/aspects of this proposal will be considered in detail throughout this report.

- 6.3 Whilst local residents have objected to the loss of the existing buildings within this site, the appeal Inspector considered them to have a 'neutral' effect on the Conservation Area's significance (Decision Letter paragraph 9) and did not dismiss the appeal on the grounds of their loss being harmful to the character and appearance of the wider Conservation Area.
- 6.4 In light of this assessment made by the Inspector, I do not consider it would be possible to revisit the impact of the loss of the existing buildings in connection with the currently proposed development.
- 6.5 Similarly, the Inspector did not dismiss the appeal on the grounds of loss of the existing retail units being harmful to the retail function of the St Stephens Place secondary retail area. Consequently, I also do not consider this issue to be a basis for suggesting that the current proposal is unacceptable on such grounds.
- 6.6 The proposed development is of a similar size, scale, plan form, height, layout and position within the site as the previously refused scheme. Furthermore, whilst access arrangements are a Reserved Matter to be considered at a later stage, the drawings show the same arrangements and car parking layout as shown in the previous scheme. In essence the differences with the current proposal relate principally to the external appearance of the building, including its roof form, and these were the issues of concern raised by the Inspector to the previously refused scheme.
- 6.7 The Inspector's comments on these issues are key to assessing the acceptability of the visual design of the current proposal. I have, therefore, reproduced paragraphs 7 and 8 of his decision letter below for ease of reference:

*"7. However, whilst the front elevation would have a width that is not dissimilar in length to Nos. 37-44 Quarry Hill Road, in the latter case the elevation is broken up horizontally at the ground floor level by the commercial frontages, and vertically on the upper levels by different materials or finishes and the bay window at Nos. 40/40a. Moreover, from views in both north and south directions along Quarry Hill Road, the chimneys and roof forms are clearly visible, adding further interest to the street scene.*

*8. In contrast, the proposal seeks the introduction of a large and featureless flat roof, the only break of which would be a step down to two storey height at the northern end and a step up to three storey height at the southern end. On the ground and first floors there would be no discernible breaks in the vertical emphasis for each bay, such as characteristic of the ground floor commercial frontages in the nearby buildings along Quarry Hill Road. Whilst the alternating series of projections and recessed elements seek to break up the overall mass and bulk of the building, visually the building would contrast starkly with this part of the Quarry Hill Conservation Area due to its lack of discernible breaks on the lower floors and its overall width and height. The result of these features is a building*

*that, when viewed from Quarry Hill Road and nearby public vantage points, would appear overly large and not fit comfortably into the street scene. The proposed development would therefore detract from the significance of the Conservation Area.”*

- 6.8 The Quarry Hill Conservation Area Appraisal defines the key features of the sub-section of the Conservation Area where the site is located as including:

*“Mixed use area with a consistent scale of building height of 2-3 storeys” and*

*“Unity of upper stories created by a limited pallet of redbrick or painted render, slate or tiled roofs with chimneys and white painted sash windows.”*

- 6.9 Since the appeal was determined and following discussions with officers, the applicant has amended the scheme to reflect positively as to how these concerns can be overcome. In my view, this has now been successfully achieved. The front elevation of the building has now been designed to emulate a row of individual buildings forming a visual terrace of buildings of varying styles, designs and materials. The external materials would vary between the individual elements, whilst being limited to brick or render. Window design and detailing, such as the use of contrasting brickwork around some windows, would also differ along the Quarry Hill Road elevation. Three bays of the building would have pitched roofs to the front elevation standing forward of the recessed flat roof sections. The pitched roof sections of the building would also contain brick chimneys. The flat roofed areas have a visual feel of a parapet wall, a not unusual design device in the 18<sup>th</sup> century but one where it will be important to have the cap detailing well designed. Two separate bay window features would be located on the front elevation of the building; one in a central position and one on its south west corner to help announce the entrance to the site. The separation between ground and above ground floors has been defined subtly by the use of bands of contrasting brickwork or reconstituted stone. Overall the detailed design of the building, particularly on its front elevation, responds, in my view, positively to the comments of concern made by the Inspector with regard to the street elevation of the earlier scheme and represents a distinct improvement in design character.
- 6.10 The development as now proposed would appear in Quarry Hill Road as a far more traditional form of terrace consisting of different elements that would respect the traditional pattern and character of existing buildings within it. Consequently, I consider that it will respect the character and appearance of the Quarry Hill Conservation Area in a way that the Inspector did not consider occurred with the earlier scheme. I am satisfied that the current proposal would comply with development plan policies CP 24 and SQ 1 which relate to quality of development, as well as section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of

Conservation Areas. Detailed attention will need to be given to the mixture of materials to be used on the building, joinery design and matters such as parapet detailing and these can be controlled by condition.

- 6.11 Residents have raised concerns with the issues of car parking, highway safety and residential amenity. The Inspector dealt with these issues in paragraph 13 which reads:

*“13. I have considered all the other matters raised by the Council and interested parties. I have had regard to the concerns raised in terms of highway safety and access into and out of the site, the lack of on-street parking provision and demand arising from the proposed development, the potential loss of light, the risk of flash flooding, that light would be shone into adjoining properties and overall light pollution, and the noise arising from plant and machinery. However, these factors whether alone or in combination, do not add or detract from the harm I have identified on the main issue.”*

- 6.12 In light of the similar scale and nature of the proposed development to the previously refused scheme, and the Inspector’s assessment in paragraph 13, I do not consider that the currently redesigned scheme could be considered to cause detriment to residential amenity or highway safety any more than did the scheme dismissed on appeal.
- 6.13 The proposed boundary treatments are also the same as those previously put forward and still considered to be acceptable for this urban site.
- 6.14 Concerning the proposed electricity sub-station, this work could be carried out under permitted development rights as defined within Schedule 2, Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and therefore does not need a specific planning permission from the Borough Council.
- 6.15 In light of all of the above, I am satisfied that the redesigned scheme overcomes the criticisms of the earlier scheme that led to the Inspector dismissing the previous appeal. Neither the policy background nor factors in the scheme other than design have changed and thus the Inspector’s judgement remains the key decision datum against which the current scheme must be judged. In terms of the design appearance I consider that the scheme is a decided improvement over that dismissed on appeal and meets the Inspector’s criticisms. Therefore, subject to the use of appropriate conditions, I recommend that planning permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Tree Report dated 01.08.2013, Topographical Survey 0412/085/01 dated 01.08.2013, Planting Plan BRS.4350\_05\_A dated 01.08.2013, Letter dated 01.08.2013, Drainage Statement dated 01.08.2013, Environmental

Assessment dated 01.08.2013, Transport Statement dated 01.08.2013, Contaminated Land Assessment dated 01.08.2013, Bat Survey dated 01.08.2013, Noise Assessment dated 01.08.2013, Planning Statement dated 01.08.2013, Letter dated 26.01.2015, Design and Access Statement dated 26.01.2015, Location Plan 13-084-101 dated 26.01.2015, Site Plan 13-084-110 L, Signage Drawing 13-084-111 D dated 26.01.2015, Floor Plan 13-084-119 D dated 26.01.2015, Floor Plan 13-084-120 L dated 26.01.2015, Floor Plan 13-084-121 K dated 26.01.2015, Floor Plan 13-084-122 L dated 26.01.2015, Roof Plan 13-084-135 E dated 26.01.2015, Elevations 13-084-150 F dated 26.01.2015, Elevations 13-084-151 E dated 26.01.2015, Elevations 13-084-152 F dated 26.01.2015, Elevations 13-084-153 C dated 26.01.2015, Elevations 13-084-154 C dated 26.01.2015, Artist's Impression 13-084-155 1 of 2 dated 26.01.2015, Artist's Impression 13-084-156 2 of 2 dated 26.01.2015, subject to the following:

**Conditions:**

1. Approval of details of the access to and within the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. No development, other than the demolition of the existing buildings, shall take place until details of all materials and joinery to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

5. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

7. The noise mitigation measures specified in sections 5 and 6 of the Resound Acoustics Noise Assessment shall be incorporated into the building hereby approved prior to its occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the building's occupiers and neighbouring properties.

8. The Bat mitigation works shown on drawing nos. 13-084-153 Rev C and 13-084-154 Rev C shall be implemented as part of the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the ecological interests of the site.

9. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

10. No development, other than the demolition of the existing buildings, shall take place until details of hard surfacing materials to be used within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.



11. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

12. No development, other than the demolition of the existing buildings, shall take place until details of the covered bicycle stands have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

13. The construction of the boundary wall to the Quarry Hill Road frontage shall not take place until details of its design, materials and colour finishes have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the Conservation Area or visual amenity of the locality.

14. No development, other than the demolition of the existing buildings, shall take place until details of the finished floor level(s) in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

15. The acoustic boundary fence shall be erected in accordance with the approved site plan 13-084-110 rev L prior to the first occupation of the building hereby approved.

Reason: In the interests of residential amenity.

16. No development, other than the demolition of the existing buildings, shall take place until details of the capping to the flat roof elements of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

Contact: Matthew Broome