



Agenda

Meeting: **Planning and Licensing Committee**
Date: **22 September 2020**
Time: **7.00 pm**
Place: **Remote Meeting**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date and time shown above. The meeting will be open to the press and public and streamed live at bit.ly/YouTubeMeetings.

If members have any particular questions on the report it would help the management of the meeting if they could send them on or before next Tuesday to committee@folkestone-hythe.gov.uk. Members can raise matters in the meeting of course but knowledge of the areas of any concern prior to its commencement will aid the running of the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 12)**

To consider and approve, as a correct record, the minutes of the meeting held on 25 August 2020.

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

4. **Minutes of the Licensing Sub-Committee (Pages 13 - 16)**

To consider and approve, as a correct record, the minutes of the meeting held on 3 September 2020.

5. **20/0530/FH - 1 Radnor Park Road, Folkestone, Kent, CT19 5BW (Pages 17 - 46)**

Proposed 4 storey residential development to include 14 units and associated landscaping.

6. **20/0532/FH - Royal Victoria Hospital, Radnor Park Avenue, Folkestone, CT19 5BN (Pages 47 - 80)**

Residential Development at Royal Victoria Hospital site consisting of 19 no. 4 & 5 bed houses and 19no. 1 & 2 bed apartments including associated external works

7. **20/0579/FH - The Leas Club, Folkestone, CT20 2DP (Pages 81 - 162)**

Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

8. **20/0563/FH - The Leas Club, Folkestone, CT20 2DP (Pages 163 - 192)**

Listed building consent for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

9. **Y19/0925/FH - Land Adjoining Turner Court, Romney Avenue, Folkestone (Pages 193 - 232)**

Erection of 8 two storey dwellings with associated parking, access and retaining walls (resubmission of Y18/1013/FH).

10. **Supplementary Information (Pages 233 - 234)**

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 25 August 2020

Present: Councillors John Collier, Gary Fuller, Mrs Jennifer Hollingsbee, Nicola Keen, Jim Martin, Philip Martin (Vice-Chair), Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble

Apologies for Absence: Councillor Clive Goddard

Officers Present: Robert Allan (Principal Planning Officer), David Campbell (Development Management Team Leader), Katy Claw (Planning Officer), Rob Davis (Senior Planning Officer), Claire Dethier (Strategic Development Manager), Ewan Green (Director of Place), Sue Lewis (Committee Services Officer), Helena Payne (Development Management Team Leader) and Jemma West (Committee Service Specialist)

Others Present:

19. **Declarations of Interest**

There were no declarations of interest.

20. **Minutes**

The minutes of the meeting held on 28 July 2020 were submitted, approved and signed by the Chairman.

21. **Minutes of the Licensing Sub-Committee**

The minutes of the meeting held on 27 July 2020 were submitted, approved and signed by the Chairman.

22. **Y19/0318/FH - Burgoyne Barracks North and Napier Barracks, West Road, Folkestone**

Report DC/20/11 Reserved matters application for the erection of 355 dwellings with associated landscaping, infrastructure, earthworks, at phases 2C and 4, Burgoyne Barracks North and Napier Barracks,

pursuant to outline planning application Y14/0300/FH.

Vivienne Kenny, local resident on behalf of Shorncliffe Trust provided written evidence on the application.

Lucy Wilford, agent provided written evidence on the application.

NB: Councillor Philip Martin lost connection at this point so did not vote on the application.

Proposed by Councillor John Collier
Seconded by Councillor David Wimble and

Resolved: That Councillor Mrs Jenny Hollingsbee take the Chair for the meeting or until such time that Councillor Philip Martin returns.

(Voting: For 9; Against 0; Abstentions 0)

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor David Wimble and

Resolved: That permission for the reserved matters be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

(Voting: For 5; Against 4; Abstentions 0)

Councillor Philip Martin returned to Chair the meeting.

23. **Y19/0248/FH - Land Adj 1 Railway Cottages Duck Street Elham Canterbury Kent CT4 6TP**

Report DC/20/12 Outline application for the erection of 3 x detached dwellings including detailed consideration of access (a short re-alignment of Duck Street) and layout, all other matters reserved.

Julie Smith, local resident provided written representation on issues in respect of flooding, detrimental impact of residential amenity, loss of privacy, reduction of light, noise pollution, in an area of outstanding natural beauty and a breach to the boundary settlement.

Cllr Stanyon, Elham Parish Council provided written representation confirming the objection to the application on the grounds that the development is outside the boundary settlement in an area of outstanding natural beauty. He stated that if members were minded to approve the application then he would wish to expect a contribution to lower-cost housing and not executive homes and examine flooding issues.

Cllr Stuart Peall, Ward Member spoke against the application highlighting a number of issues; quality of privacy for existing residents, access to light for existing properties, flooding and run off issues, pollution, narrow access road for emergency services, height and position of the proposed development and the wildlife on the site, badgers included.

Elizabeth Welch, applicants agent provided written representation informing that they had worked with officers to obtain a positive application and listened to local residents concerns. He explained the history of the site and previous submitted applications and referred to the Places and Policies Local Plan. The development was reduced to just three dwellings due to comments made and to reflect AONB. There is continuous footway to and from the site. This application is to consider layout and access only. A landscape strategy and landscape and visual assessment have taken place and appropriate mitigation for wildlife. The scheme is well prepared and will provide high quality family sized homes.

Proposed by Councillor David Wimble
Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved: That planning permission be granted subject to the conditions set out below and the applicant and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

(Voting: For 3; Against 7; Abstentions 0)
The Vote was lost.

Proposed by Councillor John Collier
Seconded by Councillor Jim Martin and

Resolved: To refuse planning permission on the grounds that the application site is outside of the settlement confines, within the AONB and as such would result in harm to the character of rural area.

(Voting: For 7; Against 3; Abstentions 0)

24. **20/0073/FH - Hillcroft, School Road, Saltwood, Hythe, Kent, CT21 4PP**

Report DC/20/13 Section 73 application for the variation of conditions 1 (approved drawings) and 7 (obscure glass) of planning permission Y19/0272/SH (Erection of a detached two storey dwelling) to enable an increase in ridge height, additional fenestration, revisions to the ground floor layout and external materials.

Julie Nisbet, local resident provided written representation against the application.

Mr Aldo Sassone-Corsi, applicant provided written representation on the application.

Proposed by Councillor Jim Martin
Seconded by Councillor John Collier and

Resolved: That planning permission be refused for the reason set out at the end of the report.

(Voting: For 10; Against 0; Abstentions 0)

25. **Y19/1152/FH & Y19/1142/FH - French House, Aldington Road, Lympne, Hythe Kent CT21 4PA**

Report DC/20/14:

Y19/1152/FH - Change of use of the French House from Class C3 residential dwelling to a 10 bed boutique hotel Class C1; partial demolition, reconstruction and conversion of outbuildings; erection of 5 new build bedroom pods; erection of new social canopy; erection of check-in building; extension to existing restaurant; creation of new link pathways and a new access road; new refuse store; and creation of a new car park for 50 car spaces.

Mr Brad Smith, local resident provided video representation against the application.

Cllr John Wing, Ward Member provided video representation against the application.

Mr Jeff Lawrence, on behalf of Lympne Parish Council provided written representation against the application.

Mr Tony Kelly, applicant provide video representation.

Proposed by Councillor David Wimble
Seconded by Councillor John Collier and

Resolved: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

(Voting: For 5; Against 3; Abstentions 2)

Y19/1142/FH - Listed Building Consent for restoration and conversion of Grade II* listed French House. Refurbishment and redevelopment of ancillary buildings. Demolition of outbuildings to north of garage to enable a new single storey enclosure plant room.

Proposed by Councillor David Wimble

Seconded by Councillor John Collier and

Resolved: That listed building consent be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

(Voting: For 8; Against 1; Abstentions 1)

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Minutes

Licensing Sub-Committee

Held at:	Virtual Zoom Meeting
Date	Thursday, 3 September 2020
Present	Councillors John Collier, Ian Meyers and David Wimble
Apologies for Absence	
Officers Present:	Kate Clark (Case Officer - Committee Services), Sue Lewis (Committee Services Officer), Nicola Murton (Lead Legal Specialist), Jack Pearce (Legal Trainee) and Briony Williamson (Licensing Specialist)
Others Present:	Mr Gary Necker, applicant and Mr Robert Lawford, Club Chairman

38. **Election of Chairman for the meeting**

Proposed by Councillor John Collier
Seconded by Councillor David Wimble and

Resolved: That Councillor Ian Meyers is Chairman for the meeting.

(Voting: For 2; Against 0; Abstentions 1)

39. **Declarations of interest**

Councillor John Collier declared a voluntary announcement in that his grandson plays football for Hawkinge. He remained in the meeting during discussion and voting on this item.

40. **An application for a Variation of a Premises Licence in respect of: Hawkinge Community Football & Sports Club, The Pavilion, Pavilion Road, Hawkinge, Kent, CT18 7UA**

The report outlines the application made by Hawkinge Community Football & Sports Club to vary their current Premises Licence.

The Licensing Specialist informed the sub-committee that representation 20 should not be considered as the information is incorrect and the resident is not a trustee of the cricket club.

The sub-committee heard from the applicant, Mr Gary Necker and the Club Chairman, Mr Robert Lawford who informed members over the last couple of years the club had applied for a number of temporary event licenses but this variation would allow them to be more flexible and offer the sale of alcohol on other occasions, particularly the larger events. The club is managed well and this would service the needs of its members and their families.

They addressed the issue of parking raised by some representations and informed that the car park holds 50 cars and there is additional overspill space in the adjacent field. There is adequate signage throughout Hawkinge informing guests to enter via the A260.

The club has a welfare officer in place and CRB checks of all the coaches and staff are in place in respect of protecting children from harm. They have repaired the CCTV system and the Licensing Specialist had viewed the system the day before to check it was fully functional.

The Licensing Specialist informed members that representations in respect of crime and drug use had not been proven to be connected to the members of the Football Club and it was also noted that the club has a public footpath through it which they have no control over who comes in via this way. This is a matter for the police if the need arises.

The Sub-Committee were mindful of all four licensing objectives being met, namely:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

They paid particular attention to the prevention of public nuisance and this is reflected in the recommendations below.

Proposed by Councillor John Collier
Seconded by Councillor David Wimble and

Resolved:

- 1. That report DC/20/15 be received and noted.**
- 2. That the application to vary the current premise licence be granted as follows:**

Opening Hours of the Premises –

Monday 08:00 23:00
Tuesday 08:00 23:00

Wednesday 08:00 23:00
Thursday 08:00 23:00
Friday 08:00 00:00 (midnight)
Saturday 08:00 00:00 (midnight)
Sunday 08:00 23:00

That the supply of alcohol be as follows:

Monday 12:00 22.30
Tuesday 12:00 22.30
Wednesday 12:00 22.30
Thursday 12:00 22.30
Friday 12:00 23.30
Saturday 12:00 23.30
Sunday 12:00 22.30

Note: Councillors wished to highlight that the applicant is recommended to provide adequate traffic marshalling for the larger events held at the club.

(Voting: For 3; Against 0; Abstentions 0)

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DC/20/16

Application No: 20/0530/FH

Location of Site: 1 Radnor Park Road, Folkestone, Kent, CT19 5BW.

Development: Proposed 4 storey residential development to include 14 units and associated landscaping.

Applicant: Mr L. Griggs

Agent: Guy Hollaway

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for the erection of two blocks of flats, containing 6 and 8 units respectively, to provide a total of 14 affordable dwellings on land at 1 Radnor Park Road, Folkestone. The site is not subject to any particular designations but adjoins the former Victoria Hospital Site which is allocated for up to 42 dwellings and is being developed by the same applicant concurrently with this site. The development would not give rise to any unacceptable amenity concerns, and the design of the scheme is considered to be of a high standard. The application is therefore recommended for approval subject to receipt of amended drawings in respect of the disabled parking bay, access onto the highway and the completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

RECOMMENDATION:

That planning permission be approved subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary. This is also subject to receipt of amended drawings in respect of the disabled parking bay and access on to the highway, and completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

1. INTRODUCTION

- 1.1 The application is being reported to the planning committee after being called in by Ward Councillor Jackie Meade, and in light of an objection from KCC Highways & Transportation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a roughly rectangular parcel of land situated to the rear of 1 Radnor Park Road, Folkestone. It extends to approximately 16m wide x 47m deep (roughly 750sqm) and is generally flat, level, and clear following demolition (late last year) of a former detached garage and a warehouse

building that had sat vacant on the site for some time. The frontage of the site is currently secured by timber site hoarding.

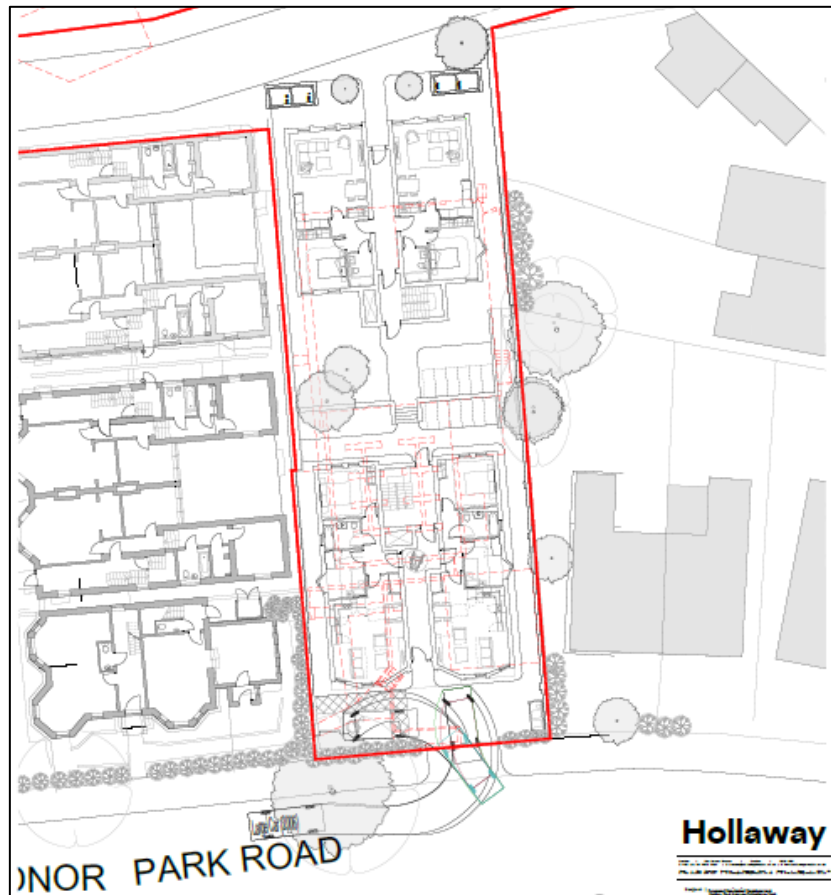
- 2.2 The site is bordered by the rear elevations of the dwellings at 1 Radnor Park Road and 2 to 8 (evens) Radnor Park Avenue to the south; the former Victoria Hospital to the west, part of which is currently being redeveloped and part of which is vacant land the subject of a concurrent application for residential development (see below); the dwellings at Radnor Park Gardens to the north; and Radnor Park Road itself to the east. Land levels across the site are generally flat, but within the wider context the land slopes downwards to the north and upwards to the south.
- 2.3 The wider area is predominantly residential, with many nearby buildings being quite generously proportioned and of a traditional Victorian design featuring red brick, projecting front bays, and tall front gables with decorative timber detailing. There are, however, a number of later, more contemporary buildings that have mimicked the traditional style to varying degrees of success – nos. 3 and 5 Radnor Park Road, for example.
- 2.4 To the south-west of the site is Radnor Park, which offers a large outdoor space, children's playground, bowls club, and a large pond. Beyond the park is Folkestone Central train station (~350m from the site), and the town centre (Guildhall Street) is ~680m to the south-east.
- 2.5



The site prior to demolition and clearance of the garage and workshop

3. PROPOSAL

- 3.1 The application originally proposed a single, four-storey building situated roughly centrally on the site. Officers were concerned about the impact of such a development and the applicant agreed to a number of revisions.
- 3.2 The scheme as amended proposes two separate buildings on the site: a four-storey block situated at the front with access from Radnor Park Road, and a three-storey block to the rear with access from the Royal Victoria Hospital site.



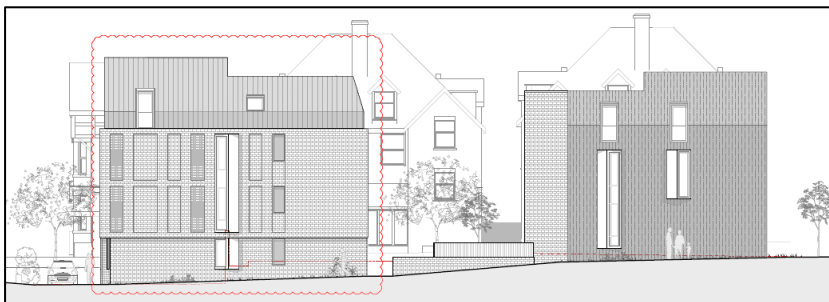
Proposed layout

- 3.3 The frontage block would measure approximately 12m wide x a maximum of 13m tall, and would retain a gap of roughly 2m to each side boundary. The building would be of a contemporary design featuring brickwork to third storey height, clad front gables with a flat roof behind at fourth floor level, and with the upper stories overhanging the ground floor at the front of the building. Windows would be vertically proportioned and set within deep reveals featuring decorative brickwork panels articulating the elevations. Side windows are limited to serving a bedroom and bathroom only, and would be angled (oriel style) to only provide views towards the road. Primary pedestrian access would be from the front of the building, with a communal hallway leading to an access core / stairwell at the rear of the building.



Radnor Park Road frontage

- 3.4 The frontage building would contain eight flats – two per floor – each with two bedrooms, a bathroom, and an open-plan lounge/kitchen/diner, with a minimum floorspace of approximately 65sqm (minimum national requirement: 61sqm). The units will be stacked so that lounges are above lounges, and bedrooms above bedrooms.
- 3.5 The rear of the building would face onto the rear of the second block, with a communal courtyard between the two buildings. This communal courtyard space would include cycle storage space and soft landscaping and open space for leisure purposes.



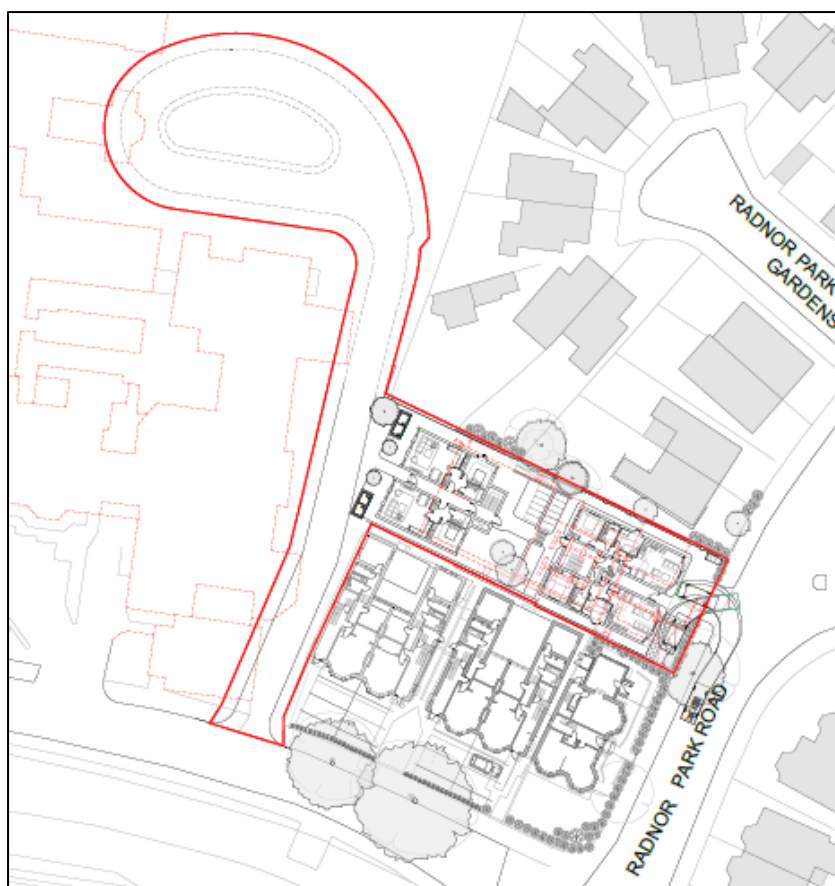
North elevation (facing towards Radnor Park), with existing houses fronting Radnor Park Ave. visible behind new build

- 3.6 The rear block would measure a maximum of approximately 14m deep (including a projecting stairwell core facing the internal courtyard) x 12m wide x a maximum of 10.7m tall, and would retain a gap of approximately 2m to each side boundary. The building would be of a similarly contemporary design to the frontage block, featuring facing brick and cladding, vertical windows, outward-facing gables, and a flat roof on the inner areas.



Rear block frontage (facing onto access road)

- 3.7 The building would contain six flats – two per floor – at a mix of four no. one-bed and two no. two-bed, each with open-plan living accommodation and a separate bathroom.
- 3.8 The development is proposed to be 100% affordable, i.e. all 14 units have been offered up by the developer as affordable housing. Members should be aware, however, that the affordable housing here includes the provision required for the neighbouring site (ref. 20/0532, presented elsewhere on this agenda).
- 3.9 No parking is proposed to be provided on site. Access and turning for emergency and refuse vehicles would be provided for at the rear via the access shared with the adjacent site, with bin store areas provided to the rear, adjacent to this access.



Proposed rear refuse / emergency vehicle access and turning

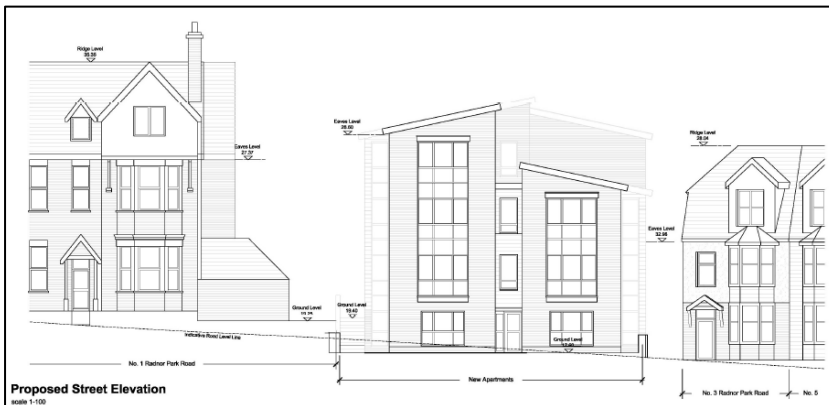
4. RELEVANT PLANNING HISTORY

- 4.1 The site history is particularly important for setting the context to this development:
- 4.2 1 Radnor Park Road was formerly an office used by the NHS, and the warehouse and garage building previously on the application site were used for storage in association with local NHS care homes. In 2005 application ref. Y05/0039/SH granted consent for change of use of no.1 from an office to a residential dwelling, and at that point the functional link between no.1 and the site appears to have been severed.
- 4.3 In 2009 application ref. Y09/0705/SH granted planning permission for the erection of a block of 10 “supported living” flats on the site and conversion of nos. 2, 4, 6, and 8 Radnor Park Avenue from offices to residential flats. That permission was implemented by virtue of converting 2-8 to flats, and thus the consent for the block of 10 flats remains extant, i.e. this aspect could be built-out today without further permission from the Council. The approved building is, by today’s standards, not considered to represent good design.



Front, rear, and north side elevation under extant 2009 permission

4.4 While the existing buildings on Radnor Park Avenue were converted the current application site remained largely dormant, however, until in 2017 application ref. Y17/1447/SH sought planning permission for the erection of a three-storey block of 12 “supported living” flats. This application was withdrawn by the applicant at officer’s suggestion following significant concerns regarding the scale and design of the building.



Withdrawn 2017 proposal, set between 1 and 3 Radnor Park Rd.



Y17/1447 proposed north side elevation

4.5 Most recently, in 2018, application ref. Y18/1442/FH sought planning permission for the erection of two blocks of a total of 12 flats on the site, but was also withdrawn at officer suggestion due to significant concerns in regards to the proposed design.



Y18/1442 proposed front elevation

4.6 The current situation, therefore, is that despite a number of recent applications being withdrawn over design issues, the 2009 permission for a large block of flats on the site remains extant.

4.7 Also Members may wish to note that there is a concurrent application on this agenda ref. 20/0532/FH which seeks planning permission for redevelopment of part of the Royal Victoria Hospital site (to the rear of the current application site) to provide 19 no. four-and-five-bed houses, and 19 no. one-and-two-bed flats, with associated access and parking. The current applicant also owns that site and the red line site boundaries for these two applications overlap; access for part of the current development will be provided from that neighbouring site, intrinsically linking the two developments. The report for this other application is presented elsewhere on this agenda for Members to consider in tandem.

4.8 Related to that application is planning permission Y12/0980/SH which granted hybrid planning permission for redevelopment of the former hospital site

(immediately to the rear of the current application site), including detailed consent for conversion of the existing buildings to provide 18 flats, and outline consent for redevelopment of the wider site to provide 26 dwellings. That application was determined earlier this year after various changes in ownership; the conversion of the existing frontage building and clearance of the rear part of the site are underway, and relevant CIL contributions relating to the flat conversion have been paid.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

5.2 Consultees

Folkestone Town Council notes that *“this demolition has already occurred and the huge boiler house was an eyesore. However the committee objects to the current state of the site and the effect on Radnor Park Gardens. It would expect it to be cleared up comprehensively as soon as the current Covid emergency allows.”*

In their comments on the application for the adjacent site (ref. 20/0532) the TC comment that the proposed flats on this application site should be no more than three storeys tall.

KCC Economic Development note that the development is subject to CIL (which is set at a rate of £57.86/sqm here, and used to fund local services and amenities) and set out a schedule of fees (totalling £20,449.38) which would normally have been requested towards services such as secondary schools, community learning, youth services, social care, libraries, and waste management. KCC suggest that FHDC could consider these costs when apportioning CIL funds. They also request a condition relating to provision of broadband, as set out below.

KCC Highways & Transportation have objected to the application on two grounds. Firstly they consider the site to lie within a suburban location at which off-street parking should be provided, and request 16 spaces to be provided within the site:

“The proposals do not provide sufficient car parking to the detriment to highway safety. A minimum of 1 parking spaces per unit together with 3 visitor parking bays are required as previously set out in Kent County Council's Highways and Transportation consultation response to the application as this is a suburban location due to the lack of parking controls on Radnor Park Road and surrounding residential roads.”

Secondly they raise technical concerns about the access to and from Radnor Park Road from the disabled parking space to the front of the site, and suggest

that the layout needs to be amended to secure proper site lines, access, and turning in accordance with technical requirements:

“Radnor Park Road is an A class classified road, and is part of Kent's strategic road network (A259). As the access will need to be altered to accommodate the proposed plans, visibility splays of 2.4m x 43m are required in both directions, with no obstruction over 0.6m within the splays. In addition pedestrian visibility splays of 2m x 2m are also required.”

KCC Highways also recommend that the existing double yellow lines on Radnor Park Road are extended to prevent on-street parking to the front of the site.

KCC Ecology advise that there is a need for integrated bat roost features within the proposed buildings (rather than bat boxes, which can become damaged over time).

KCC Archaeology note that the site lies in an area of archaeological importance for prehistoric and Romano-British remains, and they suggest the condition set out below which requires a scheme of field evaluation, safeguarding, and recording.

Affinity Water advises that the site is outside their source protection zone and therefore have no comments.

Southern Water advises that an existing public sewer crosses the site; the exact position of the sewer must be determined prior to development; and measures must be implemented to protect the sewer both during and after construction. They advise that it may be possible for the applicant to divert the sewer but this needs to be done at the applicant's expense, and they suggest a number of standard conditions as set out below.

The Environment Agency has no objection subject to standard contamination conditions to ensure the potential for any on-site contamination is investigated and properly remediated.

The Environmental Health Manager has no objections subject to the same conditions as the EA (above).

The Arboricultural and Grounds Manager has no objection.

5.3 **Local Residents Comments**

Two letters of objection have been received from local residents, raising the following summarised comments:

- Support the intention to develop the site in principle, but...;
- The proposal is over-development of the site;
- Proximity to existing dwellings;
- Loss of light to existing windows on neighbouring properties;
- Loss of light and overshadowing of rear gardens;
- Overlooking and loss of privacy;
- Security of existing properties due to level changes and consequent differences in wall/fence height;
- Bin storage needs to be provided;
- Lack of parking will result in overspill onto local roads, adding to local pressure; and
- An additional site entrance in this location will harm highway safety and amenity.

Members should note that these comments were in response to the original proposal, which saw a single large building occupying most of the site. I will update Members with any additional comments in regards the amended plans at the meeting.

5.4 **Ward Member**

The application was called in to committee by Ward Councillor Jackie Meade.

- 5.5 Responses are available in full on the planning file on the Council's website: <https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:

Shepway District Local Plan Review (2013)

SD1 (sustainable development), HO1 (Housing Land Supply), BE1 (design), BE8 (alterations and extensions), U2 (Mains Drainage), TR5 (Cycle Parking), TR11 (Access) and TR12 (car parking).

Shepway Local Plan Core Strategy (2013)

DSD (Delivering Sustainable Development), SS1 (District Spatial Strategy), SS3 (Sustainable Settlement Strategy), SS5 (District Infrastructure Planning), CSD1 (Balanced Neighbourhoods), CSD2 (District Residential Needs), CSD5 (Water Efficiency)

Places and Policies Local Plan Submission Draft (February 2018)

Policies HB1 (quality places through design), HB2 (cohesive design), HB3 (space standards), C1 (creating a sense of place), C3 (provision of open space), C4 (children's play space), T1 (street hierarchy and site layout), T2 (parking standards), T3 (residential garages), T5 (cycle parking), NE2 (biodiversity), and CC2 (sustainable design and construction) are relevant.

Also of particular note is policy UA3 (Royal Victoria Hospital) which allocates the former hospital site immediately to the rear for residential development at an estimated capacity of 42 dwellings:

Policy UA3

The Royal Victoria Hospital, Radnor Park Avenue, Folkestone

The site is allocated for residential development with an estimated capacity of 42 dwellings.

Development will be permitted for 16 new homes through residential conversion of the original Victorian building. The rear part of the site should be cleared to provide approximately 26 new build dwellings.

Development proposals will be supported where:

1. There is a comprehensive masterplan that ensures a coherent approach to both the conversion of the original Victorian building and the redevelopment of the rear aspect of the site;
2. A high quality conversion preserves or enhances the character and setting of the Victorian elements of the original hospital building;
3. The design and scale of proposals to the rear aspect of the site are of a manner that would enhance the wider setting of the area;
4. Traffic flow and parking provision is assessed to ensure that the development does not put undue pressure on the local highway network and that adequate parking provision is provided so that there are no detrimental parking impacts on Radnor Park Avenue. If required, mitigation measures or parking permit restrictions should be applied to ensure the free flow of traffic;
5. Appropriate and proportionate contributions are made towards the upkeep and/or improvement of open space and existing play facilities at Radnor Park;
6. Mitigation and enhancement measures are incorporated into the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat;
7. Any potential contamination from former use is investigated, assessed and if appropriate, mitigated as part of the development;
8. Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes; and
9. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

Core Strategy Review Submission draft (2019)

SS1 (district spatial strategy), SS2 (housing and economy growth), SS3 (place-shaping and sustainable settlements), SS5 (district infrastructure planning), CSD1 (balanced neighbourhoods), and CSD6 (central Folkestone strategy).

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

- 6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Vehicle Parking Standards.

Building For Life 12.

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The following paragraphs of the NPPF are relevant to this application:

Para. 8 sets out the three main strands of sustainable development: economic, social, and environmental. Para. 11 then sets out that to achieve these aims development proposals that accord with an up-to-date development plan should be approved “without delay.” Para. 12 clearly sets out that the starting point for decision-making is the development plan.

Para. 20 requires Councils to have strategic policies that make sufficient provision for housing, infrastructure, and community facilities in appropriate locations, while ensuring conservation of natural and historic environments. Para. 22 then sets out that such strategic policies should look ahead over a minimum of 15 years (hence the lengthy span of the adopted and emerging Local Plans).

Section 5 of the NPPF requires Councils to deliver a sufficient supply of homes, of varying types and tenures, to meet an identifiable need. Para. 67 requires Councils to have an identifiable supply of specific and deliverable housing sites to meet demand for at least 5yrs hence, and para. 72 advises Councils to identify and allocate sites to meet this need.

Para. 109 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Para.117 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Para. 122 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

Section 12 aims to achieve well-designed developments and places.

Para. 170 requires planning decisions to protect and enhance the natural environment; to protect valued landscapes; minimise impact upon and provide net gain for biodiversity; and mitigate and remediate despoiled land and pollution. Para. 175 deals with biodiversity in particular, and sets out that developments which give rise to significant harm in this regard should be refused.

- 6.7 The National Design Guide and Nationally Described Space Standards are also relevant.

7. APPRAISAL

Principle of development

- 7.1 The application site lies within an inherently sustainable urban location within the defined built up area, where residential development is generally acceptable as a matter of principle, subject to detailed considerations as set out below.
- 7.2 Additionally, and of particular importance here: the principle of multi-storey residential development on this site has been very firmly established through the grant of the previous planning permission ref. Y09/0705/SH, which granted planning permission for a block of 10 flats on the site and which remains extant, i.e. that permission remains live and that scheme could be built out without further involvement from the Council. The fall-back position that the previous approval could be constructed must be weighed up in the round of the other considerations.
- 7.3 The development would also provide a modest contribution towards the Council's 5yr housing supply target and thereby reduce pressure on the Council to approve housing developments on other, less acceptable sites, potentially within the countryside.
- 7.4 The fact that the development is 100% affordable also weighs in its favour. It should be disclosed here – in the interests of transparency – that the Council is in discussions to buy the units from the developer (upon completion) in its capacity as a social landlord. These discussions are being held by the Council's housing team and have had no bearing on planning officer's considerations, however, nor should it impact Councillor's deliberations on the merits of this application.
- 7.5 Members may also care to note that I have assessed the scheme against Building for Life 12 (BfL12), under which it scores highly – 27/36 – the missing "ticks" being for elements that don't apply due to the scale / nature of the development.
- 7.6 I am therefore confident that the principle of developing this site for high-density residential use is acceptable.

Scale, design, and layout

- 7.7 The application originally proposed a single large building across the majority of the site, similar to the previous applications. However, further to discussions with the applicant and their agent, the layout has been quite significantly amended to show two separate blocks at the front and rear of the site. This reduces the overall bulk, massing, and form of the development, particularly the flank elevations being presented to the neighbouring residents, and creates an open space within the centre of the site to allow light through and minimise any overshadowing or loss of light for those neighbouring properties.

- 7.8 This open space within the centre would provide a communal outdoor space on the site, and opportunities for outdoor recreation and for cycle storage in a safe and overlooked location (which encourages use of such facilities). A suitable soft landscaping scheme (secured by conditions set out below) will also ensure the space is planted in such a way as to enhance biodiversity and ecological potential. In addition to this amenity space on site, the site is effectively 'over the road' from Radnor Park, which provides an additional significant opportunity for outdoor amenity and leisure for future residents.
- 7.9 The ridge height of the proposed buildings would project slightly above the existing neighbouring properties but, due to the way in which the fourth floor of the frontage block is accommodated within the roof space, they would not appear significantly out of scale within the context of the wider area, where tall and imposing buildings are prevalent. The front gables of neighbouring buildings – particularly those around the junction of Radnor Park Road, Radnor Park Avenue, Bournemouth Road, and St Johns Church Road – are a prominent feature of the streetscene, and have been particularly picked up in the design of the proposed units. The finished development would not be incongruous within the wider street scene, and the quality of the overall design will ensure the buildings sit comfortably alongside the existing properties.
- 7.10 The design of the units is contemporary, but with design features that reference the existing character of Radnor Park Road including the tall front gables, multi-stock brickwork, and windows set within generous reveals (which will generate shadow lines on the elevations and accentuate the clean, simple lines of the buildings). Smaller touches such as raked mortar joints and concealed rainwater goods will add to the neatness of the design and ensure the finished building is free from visual clutter. Decorative brickwork is proposed to the side elevations, and will add interest to elevations that are otherwise largely blank out of necessity (to avoid overlooking). Contemporary design being set among traditional buildings is somewhat of a feature of Folkestone, and it is considered that the development would contribute positively to the character and appearance of the wider area.



Front gables on St Johns / Radnor Park Road junction



Front gables on Radnor Park Road / Radnor Park Ave.

- 7.11 The conditions below will ensure that the Council has final control over the use of high-quality external materials, which will ensure the development meets the standards envisioned by the architects. As above: the landscaping condition below will secure Council control over the implementation of a good planting scheme which will enhance the appearance of the site and contribute towards biodiversity.

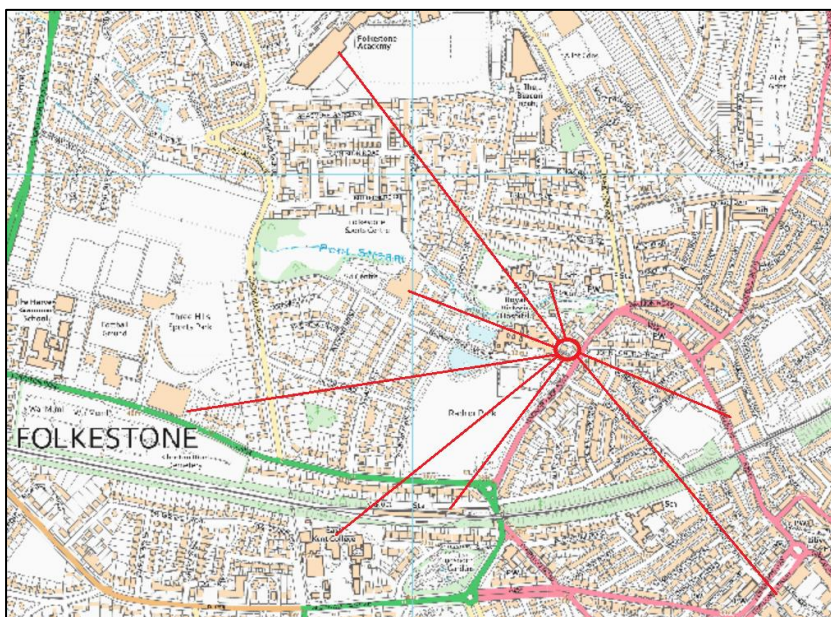
Amenity

- 7.12 The proposed flats would provide a good standard of amenity for future residents.. Their internal floorspace is in excess of the minimum required by the National Standard, the tall windows will provide natural daylight to each room, and the layout of each flat is roughly rectangular such that there is adequate space for furniture and easy movement through each unit. Outdoor amenity space on the site is, as above, somewhat limited, but the site is next to Radnor Park and as such future residents will have good access to outdoor amenity space. It is therefore not considered that a reason for refusal on this ground could be substantiated at appeal.
- 7.13 The proposed buildings would sit close to the rear of the flats fronting Radnor Park Avenue, but the closest rear windows on those existing properties serve stairwells and bathrooms, and the primary habitable rooms will therefore not be seriously affected by the development. A gap of just over 3m would be retained between the existing flats and the proposed, which will further help to reduce any loss of light.
- 7.14 A minimum of approximately 4m would be retained between the front corner of the proposed frontage block and no. 3 Radnor Park Road, expanding to over 5m at the rear corner of no.3 (due to an angled boundary). I note that the residents of no.3 are concerned about the impact of the development upon the side windows of their property, but this gap will help to minimise any loss of light, and I would note that any impact in this regard would be similar to that experienced from the extant 2009 permission.
- 7.15 The rearward projection beyond no.3 is significantly less than under the 2009 permission due to the scheme being split into two blocks. The frontage block will project approximately 1.5m beyond the rear of no.3, with an intervening gap

of approximately 5m (as above). This is a far improved situation for the neighbouring residents, and would not give rise to an unacceptably overbearing or imposing rearward projection beyond the main rear windows of no.3 such that a reason for refusal could be justifiably sustained and – again – officers consider this current layout to be a substantial betterment compared to the fall-back 2009 permission, which would have presented a solid three-storey flank wall projecting far beyond the rear of no.3. The gap between the front and rear blocks will allow light through the site to the rear garden of no.3, which is to the north, and louvres on the inward-facing windows of the rear block will ensure there is no unacceptable overlooking of the rear garden and rear windows of no.3.

Highways and parking

- 7.16 The scheme proposes no parking on the site other than a disabled bay to the front, to provide easy access to the ground floor units within the frontage block. KCC Highways have objected to this lack of parking on the grounds that they consider the site to be within a suburban location due to the lack of on-street parking restrictions. Planning officers have, however, discussed and considered this point in detail and do not agree with KCC’s assessment.
- 7.17 The site lies within an inherently sustainable urban location. It is approximately 350m to Folkestone Central train station (which provides a direct service to London), 680m from the town centre (Guildhall Street/Asda) via Bournemouth Road and a public footpath running under the train line, and 950m (cutting across Radnor Park) to Morrison’s on Cheriton Road, all of which are considered to be within walking distance. Stella Maris Primary School (Parkfield Road), Folkestone Sports Centre (Radnor Park Ave.), Tesco Express (Foord Road), Folkestone Academy, and Folkestone College (Cheriton Road) are also a short walk from the site.



Relationship of site to key locations noted in para. 7.16

- 7.18 This is perhaps one of the most sustainable locations within the town and, if Folkestone is to pursue a low-carbon approach to development, and encourage modes of transport other than private car, officers consider that this is an absolutely prime location to do so – having encouraged the applicant down this route during the course of the application. While there are always concerns about low or nil parking provision there is opportunity here to encourage new residents to think about the way in which they travel in the interests of more sustainable development and a sustainable, carbon-neutral future, in accordance with adopted local and national policies. Given the sustainability of the location and the ease of access to town centre services and amenities officers very much consider this site to fall within the zone where nil parking provision is acceptable under the Kent Vehicle Parking Standards IGN 3; Residential Parking, and in that regard respectfully disagree with the approach taken by KCC Highways. Provision of 16 on-site parking spaces would also require the layout to be heavily amended, most probably back to a single, bulky block occupying the majority of the site.
- 7.19 On-street parking is available in nearby streets and is permit controlled, with the Council having control over the issuing of new permits. KCC Highways have suggested that double yellow lines should be extended across the site frontage to prevent cars from parking on Radnor Park Road, potentially obstructing traffic. No issue is raised in regards to this suggestion, and yellow lines can be secured through the accompanying s.106 agreement.
- 7.20 The disabled bay to the front of the site requires some alterations to the access to ensure appropriate highway safety for all users of Radnor Park Road. The applicant is aware of KCC's comments in this regard and amended drawings are expected to resolve the matter; I will update Members at the meeting.
- 7.21 Access for refuse and emergency vehicles would be provided within the roadway to the rear, which is shared with the adjacent site/development (also presented on this agenda). I have no serious concerns about this arrangement; it makes sensible use of available space, minimises new access points on to the highway, and also minimises the amount of roadway within the wider hospital site.

Developer contributions

- 7.22 Because the application is for a 100% affordable development it is not liable for s.106 developer contributions and the CIL rate falls to £0 per sqm. Contributions will, however, be sought on the neighbouring site, also presented on this agenda.
- 7.23 Of note, however, is that this scheme over-provides for the affordable housing requirement on this and neighbouring developments. The applicant for this scheme is also the developer for the neighbouring Royal Victoria Hospital site; the total affordable housing requirement for both sites is 11 units, all of which is proposed to be provided in this development. This scheme proposes 14 units

and the scheme therefore represents an over-provision of 2 units across the two sites, which is considered to a wider community benefit / planning gain.

7.24 Provision of affordable housing in this manner is considered to be acceptable and reasonable, because registered social housing providers (the Council, in this case) generally prefer affordable housing to be provided as whole blocks – rather than peppered around a site – as it makes management and maintenance arrangements much simpler and in this case is immediately adjacent to the application site for which it would provide the provision for.

Other matters

7.25 There are no issues of land stability or flood risk that fall to be considered at this location.

7.26 The applicant has already surveyed the site and confirmed that the public sewers (noted by Southern Water) do not fall within the construction zone. They can therefore be adequately protected and sewage disposal to existing properties will not be affected.

7.27 No protected species would be harmed, and the development provides opportunities for biodiversity enhancements across the site.

7.28 The standard conditions below will ensure any site contamination is appropriately remediated, and I have no serious concerns in this regard.

7.29 I note local objections but consider the issues raised to have been addressed in the above paragraphs. Therefore while I understand and appreciate local concern I do not consider there to be any justifiable reasons for refusal on the issues raised. Residents have been re-consulted on the amended scheme (splitting the single building in to two blocks) and I will update Members of any additional comments during the meeting.

Environmental Impact Assessment

7.30 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

7.31 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development because the scheme is 100% affordable.

Human Rights

- 7.32 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.33 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the Applicant

- 7.34 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this instance changes to the design were suggested and amended drawings provided by the applicant.

8. CONCLUSION

- 8.1 This application seeks planning permission for the provision of 14 residential flats across two blocks at 1 Radnor Park Road, all to be secured as affordable housing. The scheme has been amended from the original submission and officers now consider that it is of a good standard of design, and would not give rise to any serious amenity concerns. KCC Highways have objected to the scheme due to lack of on-site parking, but planning officers consider this to be a wholly and inherently sustainable location at which nil-provision is acceptable, in accordance with the general thrust towards sustainable development / transport and carbon reduction. Local objections are understood but do not amount to a justifiable reason for refusal, and the Council must be very mindful

of an extant permission for erection of flats on the site which officers consider to be significantly worse than the current proposals.

- 8.2 I therefore recommend that planning permission should be granted, subject to receipt of amended drawings in respect of the disabled parking bay and access on to the highway, and completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be approved subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following drawings and documents: 20.004 020 rev. P02, 022 rev. P02, 030 rev. P02, and 050 rev. P02; and the submitted Livingston/Alliance Construction Phase Plan.

Reason: For the avoidance of doubt.

Pre-commencement

3. No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(2) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(3) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(4) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(5) In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a

remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

4. If pile foundations are required a Piling Risk Assessment (written in accordance with EA guidance document "*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination*": *Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*" must be submitted to and agreed in writing by the Local Planning Authority before development commences on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

5. No development shall take place until the exact position of the public sewer crossing the site has been determined by the applicant, and the sewer repositioned (if necessary) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the existing sewer system.

6. No development shall take place until details of the proposed means of foul and surface water disposal have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development is properly serviced.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the District Planning Authority; and

(2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the District Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

8. No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

9. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 100 litres of water per person per day have been submitted to and approved in writing by the District Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

10. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

11. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted (including bricks, tiles, cladding, mortar mix, brick bond pattern, raked joints, rainwater goods and their routing/position, and depth of window reveals) have been submitted to and approved in writing by the District Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

During construction

12. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

Other

13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the District Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

14. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the District Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

15. Before the development hereby permitted is first occupied, the proposed windows in the flank elevations shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

16. The central amenity area, cycle stores, and bin store areas shown on the approved plans shall be retained in perpetuity for use by the residents of all the flats.

Reason: In the interests of residential amenity.

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development. The developer is advised to read Southern

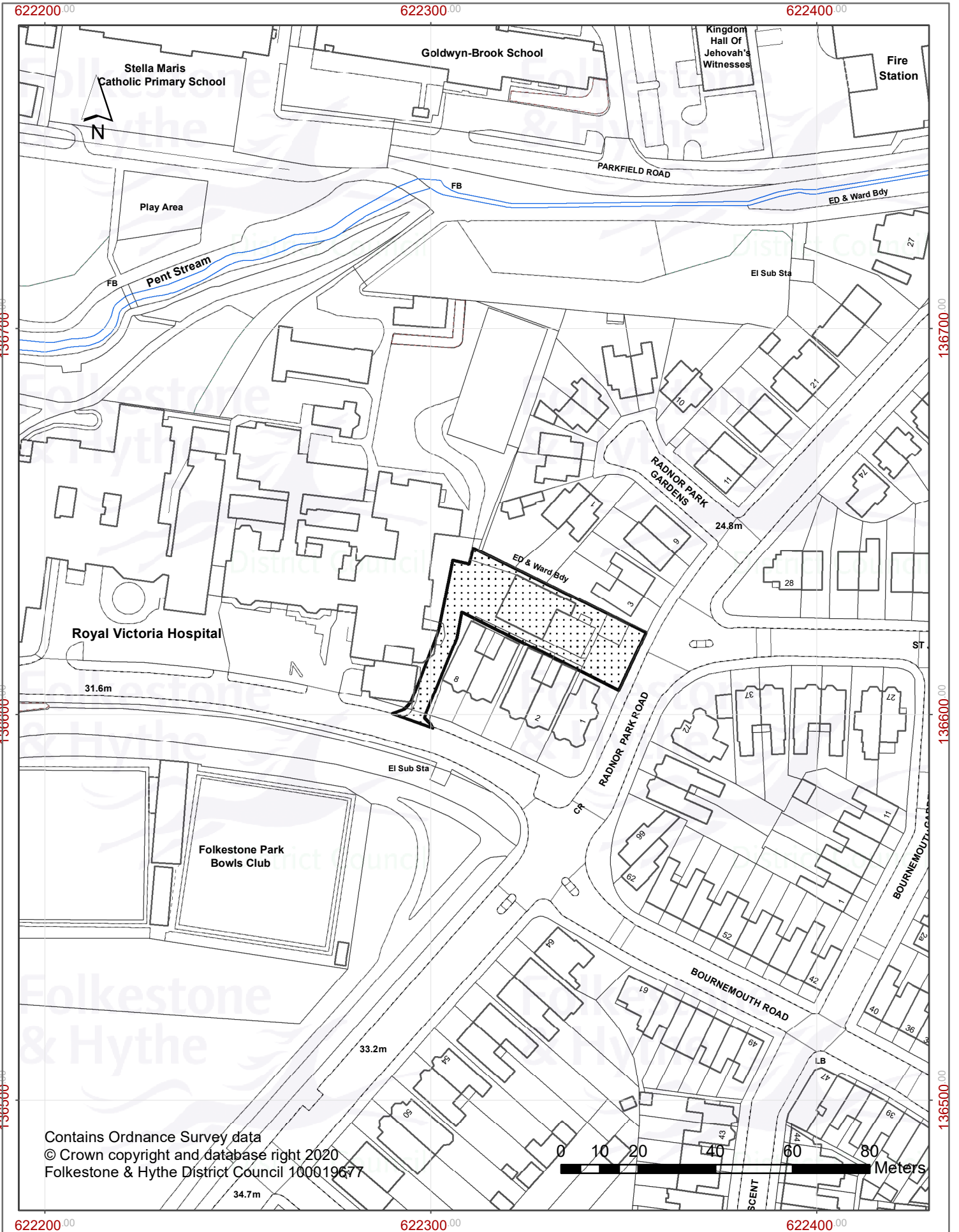
DC/20/16

Water's New Connections Services Charging Arrangements documents which is available to read at www.southernwater.co.uk/infrastructure-charges.

2. This development is subject to the terms of the accompanying s.106 legal agreement.

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20/0530/FH
Land adjoining 3 Radnor Park Road
Folkestone



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DC/20/17

Application No: 20/0532/FH

Location of Site: Royal Victoria Hospital, Radnor Park Avenue, Folkestone, CT19 5BN.

Development: Residential Development at Royal Victoria Hospital site consisting of 19no. 4 & 5 bed houses and 19no. 1 & 2 bed apartments including associated external works

Applicant: Mr L. Griggs

Agent: Guy Holloway, The Tramway Stables, Rampart Road, Hythe, CT21 5BG.

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for the erection of 19 flats and 19 dwelling houses on land forming part of the former Royal Victoria Hospital site. The wider hospital site is designated under policy UA3 for an estimated capacity of 42 dwellings, but otherwise is not subject to any designations or restrictions. The proposals represent good design and officers consider that the development will contribute positively towards sustainable development and the Council's identified five-year supply of housing land without giving rise to any serious amenity concerns. While objections from KCC highways, the Town Council, and local residents are noted these are not considered to contain or amount to a justifiable reason for refusal and the application is therefore recommended for approval subject to completion of a s.106 agreement to secure affordable housing (to be provided on the adjacent site)

RECOMMENDATION:

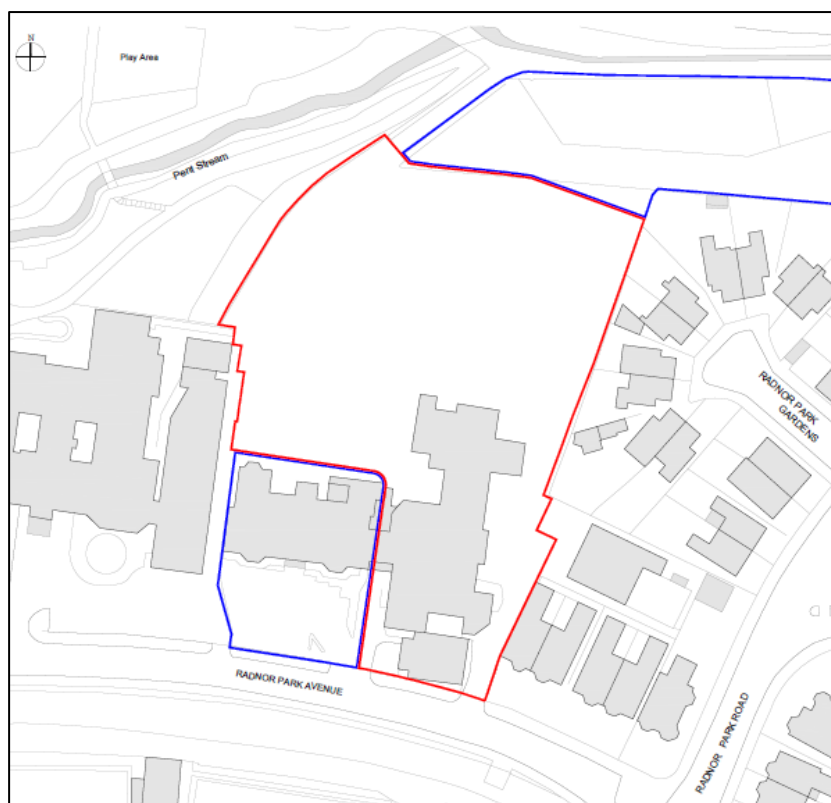
That planning permission be approved subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary; no fresh material planning issues being raised by Folkestone Town Council (in respect of the amended drawings); and completion of a s.106 legal agreement to secure affordable housing.

1. INTRODUCTION

1.1 The application is being reported to the planning committee after being called in by Ward Councillor Jackie Meade, and in light of objections from Folkestone Town Council and KCC Highways & Transportation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is an irregularly-shaped parcel of land to the north of Radnor Park Avenue, from which it takes access, and including land that was formerly part of the Royal Victoria Hospital site. The site extends to approximately 0.58ha. All the buildings within the wider site are vacant following the transfer of services to the Royal Victoria Community Hospital, situated to the west of the application site, and conversion works have begun on a neighbouring building (the main hospital block) following grant of planning permission for residential conversion earlier this year.
- 2.2 The site comprised a number of outbuildings and ancillary structures serving the main hospital building (which are not included within the current application site) but which were demolished and cleared earlier this year following grant of planning permission for redevelopment of the site under ref. Y12/0980/SH, and notification of proposed demolition under ref. Y19/0424/FH.
- 2.3 The eastern and northern site boundaries contain groups of trees which are protected by TPO no.10 of 2008, primarily self-seeded Sycamore and Ash of varying condition and health. There are three-storey, brick-built Edwardian/Victorian residential dwellings (2 to 8 (evens) Radnor Park Avenue) immediately to the east of the site entrance and abutting the eastern site boundary to the rear (1 to 7 Radnor Park Gardens). The buildings along Radnor Park Avenue used to provide office space for the hospital, but were converted to flats many years ago following disposal of them by the NHS, and the houses on Radnor Park Gardens are set roughly 2m lower than the application site.
- 2.4 The wider area is predominantly residential, with many nearby buildings being quite generously proportioned and of a traditional Victorian design featuring red brick, projecting front bays, and tall front gables with decorative timber detailing. There are, however, a number of later, more contemporary buildings that have mimicked the traditional style to varying degrees of success – 3 and 5 Radnor Park Road, for example.
- 2.5 Immediately opposite the site is Radnor Park, which offers outdoor space, children's playground, bowls club, and a large pond. The Pent stream runs to the north of the site but lies outside of the red line application boundary. Beyond the park is Folkestone Central train station (~340m from the site), and the town centre (Guildhall Street) is ~650m to the south-east along Bournemouth Road and a footpath under the railway line.



Site location plan (land in blue also owned by applicant, but not part of application site)

3. PROPOSAL

- 3.1 This application seeks planning permission for redevelopment of part of the former Royal Victoria Hospital site to provide 19 no. four-and-five-bed houses, and 19 no. one-and-two-bed flats, with associated access and parking.
- 3.2 The proposed layout proposes a block of flats at the front of the site; a vehicle access into the site would sit between this block and the existing residential flats fronting on to Radnor Park Avenue; a shared surface courtyard area would be set behind the flats (and to the front of the rear block on the adjacent site, being considered under 20/0503/FH); a terrace of four dwellings would sit roughly in the centre of the site; and a crescent of short terraces would curve around the northern end of the site.



Proposed layout

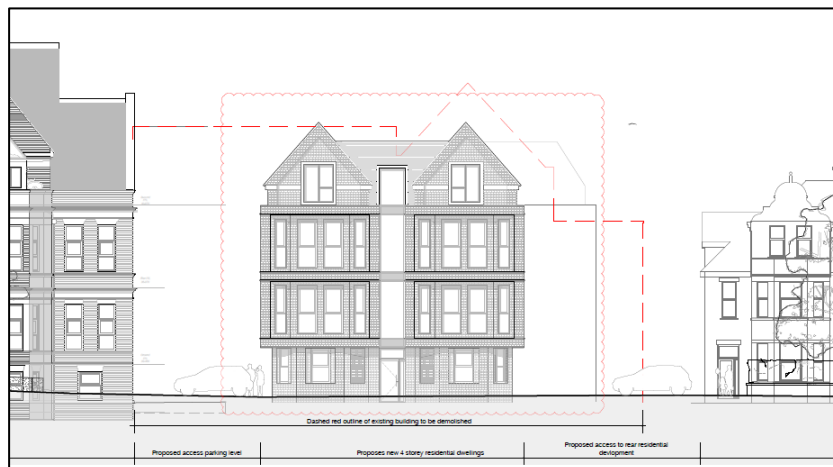


Render of proposed development

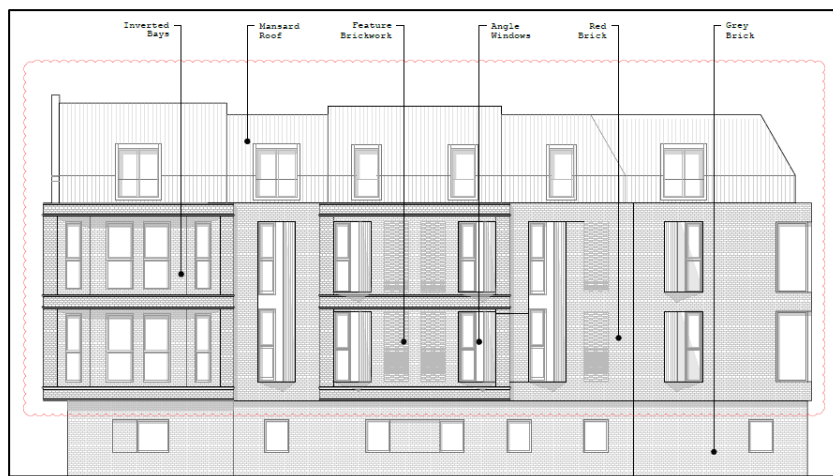
3.3 The proposed frontage block would project forwards of the existing building line in reference to the previous building on the site, which sat proud of its

surroundings. It would feature a wedge-shaped footprint, widening to the rear, and measure approximately 13.5m wide at the front x 19m wide at the rear x 14.4m tall (11m to eaves) x 28.4m deep. The external elevations are of a contemporary design but with traditional gable frontage intended to respect the form of development within the wider area. External materials are proposed as grey brick at ground floor, red brick on the upper floors with “inverted” bay windows (set within deep brickwork frames) throughout, and decorative brickwork to the flank elevations. The frontage gables give way to a mansard roof to the rear, and a number of flank windows will be angled to prevent views across neighbouring properties.

- 3.4 Internally the building will provide 4 flats at ground floor and 5 flats on each of the upper floors. All flats are two-bed, have square or rectangular proportioned rooms, and are in excess of 70sqm floor space (the minimum required by the adopted National Standard). Communal bin and cycle storage would be provided on the ground floor, and a central staircase provides access to the upper floors.



Proposed frontage block



Frontage block side elevation

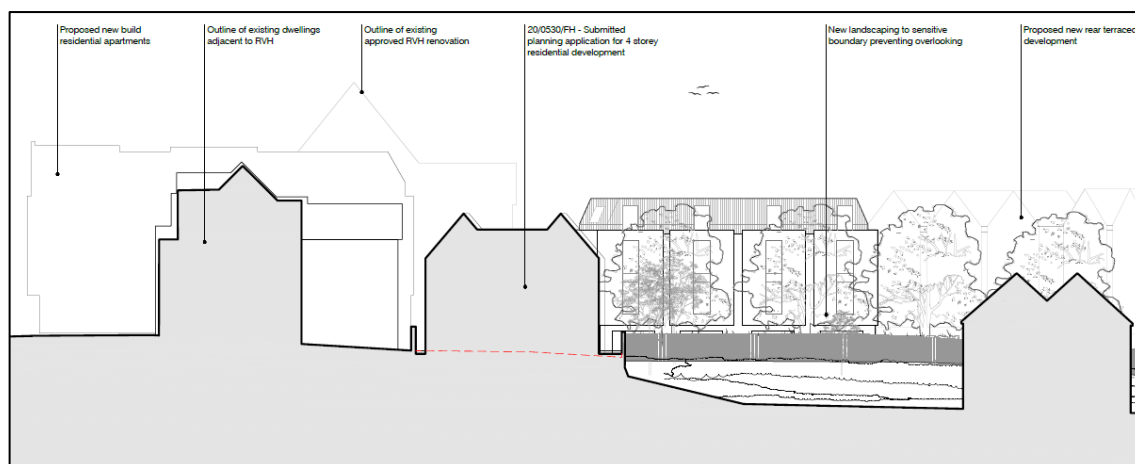


Proposed frontage block 3D render

- 3.5 Immediately to the rear of the flats would be a parking area with 5 parking spaces, and a shared surface courtyard space.



Facing north, through shared square, with rear block on adjacent site (20/0350/FH) to the right



Section looking from Radnor Park Road

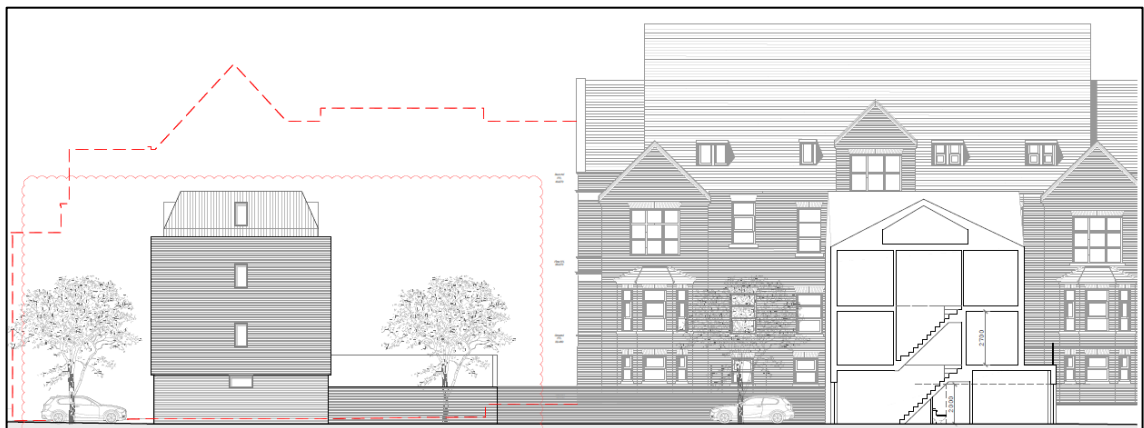
- 3.6 Roughly in the centre of the site would be a terrace of four houses. These would front onto the proposed access road with one parking space each and a garden area to the front. The block would measure approximately 20m wide x 9m deep x 12m to the ridge (9.5m to eaves). Each unit would have an open-plan living space at ground floor, four bedrooms and two bathrooms on the upper floors, and a loft void. The rear gardens are slightly in excess of 8m deep x 5m wide. These units will be of a similar contemporary design to the houses within the rear crescent (below). There will be a minimum of 23m from the front of these units to the rear of the existing houses on Radnor Park Gardens, with new tree planting proposed in the intervening space, along the access road
- 3.7 Proposed to wrap around the northern end of the site in a crescent formation are 15 houses set within terraces of three. These are of a simple, contemporary design with vertically emphasised frontages and tall pitched front gables. The design includes small porch canopies, vertical windows set within recessed bays, and decorative brick panels extending upwards though the front elevation. Rear elevations will be much simpler, with square windows set within the brick elevations; the central properties will have first-floor rear balconies. External materials are similar to the main frontage block, with grey brick at ground floor, red brick on the upper stories, grey roof tiles, anodised gold window casings and chamfered brick window reveals.
- 3.8 The blocks range between 12m and 14m tall (with the central units being taller and those closer to boundaries with neighbours being shorter) x between 12m and 15m wide (the shorter units being wider) x 10m deep. Internally they would be similar to the central block, with an open-plan ground floor and bedrooms and bathrooms above. The taller units are proposed to be five-bed (with a room in the roof) while the shorter ones are four bed. Each unit will have a parking space to the front and a reasonably-sized rear garden.



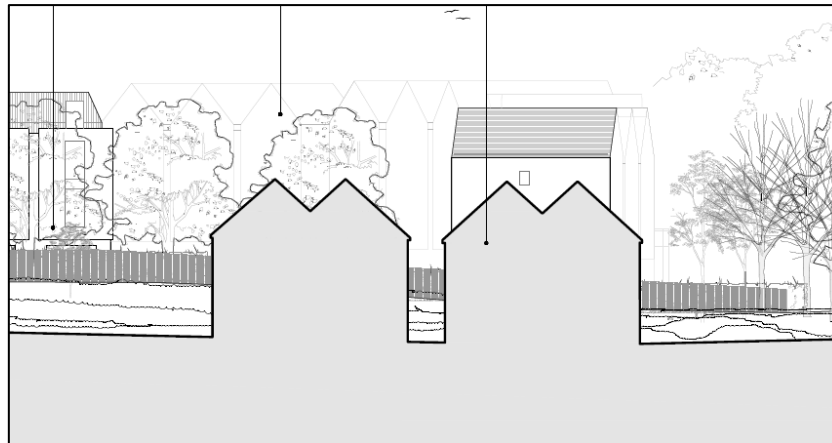
Proposed terraced blocks



Internal cul-de-sac view, facing approximately north-west



Section through site facing south, showing end terrace (right) set behind the main hospital building, and the proposed central terrace (left)

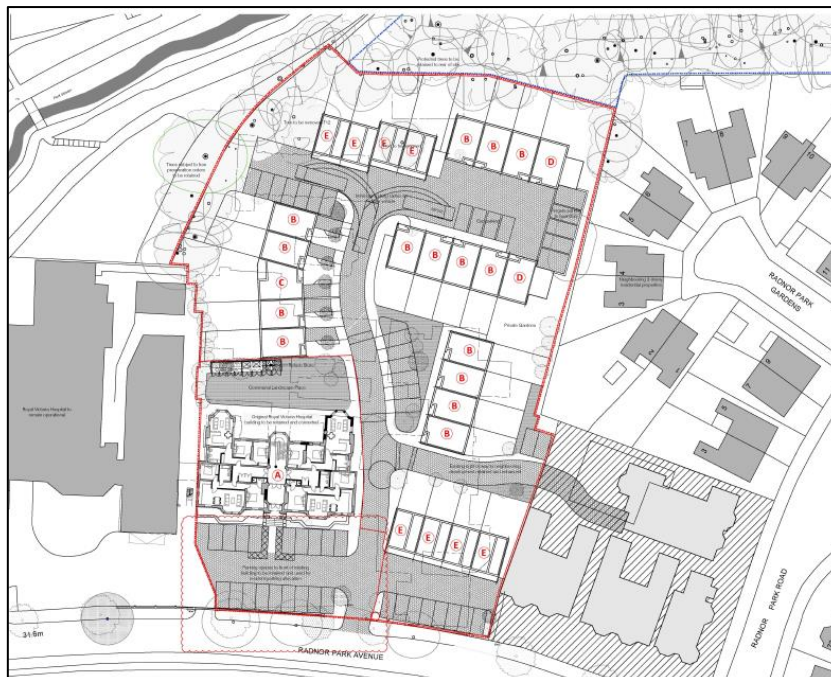


Section through existing houses on Radnor Place Gardens to crescent terrace

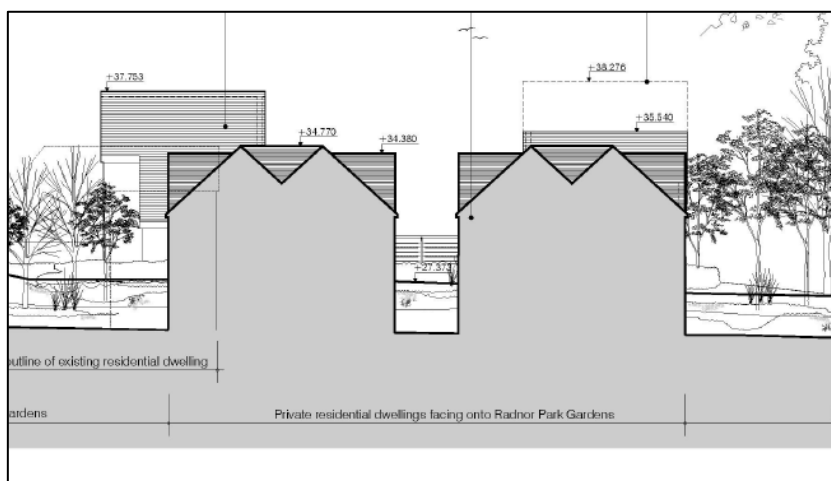
- 3.9 The wider development (including the adjacent main hospital building and the two flat blocks proposed at 1 Radnor Park Road under 20/0530/FH – also presented on this agenda) represents a total of 70 dwellings across the hospital site; an increase of 16 units total from the previously approved schemes (total 54) as set out below.

4. RELEVANT PLANNING HISTORY

- 4.1 Application ref. Y12/0980/SH granted hybrid planning permission earlier this year for redevelopment of the former hospital site, including detailed planning permission for the conversion of the existing buildings to provide 18 flats and outline permission for the redevelopment of the wider site to provide 26 dwellings. The conversion of the existing frontage building and clearance of the rear part of the site are currently underway, and relevant CIL contributions relating to the flat conversion have been paid, but this current application would effectively supersede the outline permission granted under this previous application.



Layout approved under Y12/0980/SH, including main hospital building (bottom left of red line area).



Site section as approved under Y12/0980/SH, shown here looking through the dwellings on Radnor Park Gardens.

4.2 Members may also wish to note a concurrent application ref. 20/0530/FH, which seeks planning permission for the erection of two blocks of flats (total 14 dwellings) on land immediately adjacent to the current application site. The report for that application is presented elsewhere on this agenda, and Members may care to note that that scheme will be 100% affordable housing, including the affordable housing provision requirement from this current application site.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

5.2 Consultees

Folkestone Town Council objected to the application in its original form. Their concerns can be summarised as follows:

- The crescent formation proposed is better than the previous application but is still over-intensive and numbers should be reduced;
- The TC are disappointed that the “famous clock” on the central block is to be removed, and consider that the building should be treated as listed and a sympathetic design approach adopted [NB: I believe the PC are referring to the adjacent building already being converted, which is not part of this application];
- The original foundation stone should be preserved [NB: again, relates to the adjacent building which is not part of this application];
- The developer should provide an information board relating to the old hospital;
- The houses on Radnor Park Gardens are at a lower level, and care needs to be taken to prevent overlooking;
- The new flats on the Radnor Park Road frontage are “excessively dominating, and should be lower/no more than three-stories tall to prevent overlooking [NB: relates to concurrent application ref. 20/0530 and not this application];
- External cladding should not be “too dark” and the shade should be agreed with the neighbours;
- The developer should meet with neighbours and councillors to agree timing of construction / working hours;
- Native trees should be planted along the rear boundary with Lower Radnor Park and the Pent stream to provide screening;
- There is a lack of affordable housing in the development;
- Increased traffic and lack of parking in the area;

I have sought their comments on the amended drawings and will update Members at the meeting.

KCC Ecology has no objection subject to standard conditions and informatives as set out below.

KCC Archaeology has no objection subject to a standard condition requiring investigation and recording prior to development, as set out below.

KCC Highways and Transportation objected to the original plans for the reasons that insufficient on-site parking is provided, commenting that they consider the site to be within a suburban location and a total of 48 spaces out of a required 65 were shown. They also queried whether turning and tracking for refuse/emergency vehicles was available.

KCC Highways have maintained their objection to the amended drawings, noting that there is a shortfall of 23 parking spaces across the site (total 65 spaces required, 42 spaces proposed) and commenting that *“proposed developments should be self-sufficient in their parking needs and the public highway should not be expected to soak up large overspill of parking need.”* This is discussed in detail below.

They also note that i) drawings are required to demonstrate refuse and emergency vehicle access and tracking; these have been provided by the applicant and I await confirmation that the details are acceptable, and ii) cycle parking is not indicated; but this is provided communally within the flat block and the houses will be able to provide this within their respective gardens.

KCC Education note that the development is subject to CIL (which is set at a rate of £57.86/sqm here, and used to fund local services and amenities) and set out a schedule of fees (totalling £198,680.84) which would normally have been requested towards services such as secondary schools, community learning, youth services, social care, libraries, and waste management. KCC suggest that FHDC could consider these costs when apportioning CIL funds. They also request a condition relating to provision of broadband, as set out below.

Amended drawings have been provided since these comments, which address the tracking but do not provide additional parking spaces (discussed in detail below). I await further comments from KCC and will update Members at the meeting.

The Environment Agency comment that *“the previous hospital use presents a medium risk of residual contamination that could be mobilised during construction and pollute controlled waters.”* They raise no objection, however, subject to the standard contamination condition set out below, which secures investigation and remediation of potential contaminants.

They also note that the very edge of the site falls within flood zone 3 and suggest a condition requiring an additional drawing showing the extent of the flood zone in relation to the proposed dwellings. I don't consider that to be necessary, however, as the proposed layout shows the houses to be situated well away from the flood zone (which roughly tracks along the route of the Pent stream to the north).

The Council's Contamination consultant suggests that the site's history indicates potential for contamination, but has no objection subject to investigation and appropriate remediation as secured by the Council's standard contamination condition set out below.

Southern Water suggest that there may be a public sewer crossing the site, but have no objection subject to standard conditions and informatives, as set out below.

The Council's Arboricultural and Grounds Manager has no objection subject to submission of an arboricultural assessment and tree protection plan, both of which are secured by condition below.

5.3 Local Residents Comments

One letter has been received from neighbouring residents, raising the following summarised concerns:

- The proposals have increased from 18 units in the old hospital and 26 on the land to the side/rear to a total of 70 units (including the proposed flats at 1 Radnor Park Road);
- Over-development of the site – fewer units should be constructed;
- Highway safety and amenity concerns from additional traffic;
- Inadequate parking provision;
- The density of the development “brings up the question of fire safety”;
- The proposed buildings in the terrace at the rear are too tall;
- Potential for overlooking and loss of privacy;
- Loss of sunlight to existing dwellings;
- Health and safety concerns relating to site clearance and construction;

The objector has also provided a copy of their letter to the contractor, in which they raise health and safety concerns, and the contractor's response in which they set out the ways in which they consider they have adhered to required safety and amenity protocols.

5.4 Ward Member

The application has been called in by Councillor Jackie Meade.

5.5 Responses are available in full on the planning file on the Council's website: <https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation

between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:

Shepway District Local Plan Review (2013)

SD1 (sustainable development), HO1 (Housing Land Supply), BE1 (design), BE8 (alterations and extensions), U2 (Mains Drainage), TR5 (Cycle Parking), TR11 (Access) and TR12 (car parking).

Shepway Local Plan Core Strategy (2013)

DSD (Delivering Sustainable Development), SS1 (District Spatial Strategy), SS3 (Sustainable Settlement Strategy), SS5 (District Infrastructure Planning), CSD1 (Balanced Neighbourhoods), CSD2 (District Residential Needs), CSD5 (Water Efficiency)

Places and Policies Local Plan Submission Draft (February 2018)

Policies HB1 (quality places through design), HB2 (cohesive design), HB3 (space standards), C1 (creating a sense of place), C3 (provision of open space), C4 (children's play space), T1 (street hierarchy and site layout), T2 (parking standards), T3 (residential garages), T5 (cycle parking), NE2 (biodiversity), and CC2 (sustainable design and construction) are relevant.

Also of particular note is policy UA3 (Royal Victoria Hospital) which allocates the wider former hospital site for residential development at an estimated capacity of 42 dwellings:

Policy UA3

The Royal Victoria Hospital, Radnor Park Avenue, Folkestone

The site is allocated for residential development with an estimated capacity of 42 dwellings.

Development will be permitted for 16 new homes through residential conversion of the original Victorian building. The rear part of the site should be cleared to provide approximately 26 new build dwellings.

Development proposals will be supported where:

1. There is a comprehensive masterplan that ensures a coherent approach to both the conversion of the original Victorian building and the redevelopment of the rear aspect of the site;
2. A high quality conversion preserves or enhances the character and setting of the Victorian elements of the original hospital building;
3. The design and scale of proposals to the rear aspect of the site are of a manner that would enhance the wider setting of the area;
4. Traffic flow and parking provision is assessed to ensure that the development does not put undue pressure on the local highway network and that adequate parking provision is provided so that there are no detrimental parking impacts on Radnor Park Avenue. If required, mitigation measures or parking permit restrictions should be applied to ensure the free flow of traffic;
5. Appropriate and proportionate contributions are made towards the upkeep and/or improvement of open space and existing play facilities at Radnor Park;
6. Mitigation and enhancement measures are incorporated into the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat;
7. Any potential contamination from former use is investigated, assessed and if appropriate, mitigated as part of the development;
8. Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes; and
9. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies

Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

Core Strategy Review Submission draft (2019)

SS1 (district spatial strategy), SS2 (housing and economy growth), SS3 (place-shaping and sustainable settlements), SS5 (district infrastructure planning), CSD1 (balanced neighbourhoods), and CSD6 (central Folkestone strategy).

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

- 6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Vehicle Parking Standards.

Building For Life 12.

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The following paragraphs of the NPPF are relevant to this application:

Para. 8 sets out the three main strands of sustainable development: economic, social, and environmental. Para. 11 then sets out that to achieve these aims development proposals that accord with an up-to-date development plan should be approved “without delay.” Para. 12 clearly sets out that the starting point for decision-making is the development plan.

Para. 20 requires Councils to have strategic policies that make sufficient provision for housing, infrastructure, and community facilities in appropriate locations, while ensuring conservation of natural and historic environments. Para. 22 then sets out that such strategic policies should look ahead over a minimum of 15 years (hence the lengthy span of the adopted and emerging Local Plans).

Section 5 of the NPPF requires Councils to deliver a sufficient supply of homes, of varying types and tenures, to meet an identifiable need. Para. 67 requires Councils to have an identifiable supply of specific and deliverable housing sites to meet demand for at least 5yrs hence, and para. 72 advises Councils to identify and allocate sites to meet this need.

Para. 109 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Para.117 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Para. 122 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

Section 12 aims to achieve well-designed developments and places.

Para. 170 requires planning decisions to protect and enhance the natural environment; to protect valued landscapes; minimise impact upon and provide net gain for biodiversity; and mitigate and remediate despoiled land and pollution. Para. 175 deals with biodiversity in particular, and sets out that developments which give rise to significant harm in this regard should be refused.

- 6.7 The National Design Guide and Nationally Described Space Standards are also relevant.

7. APPRAISAL

Principle of development

- 7.1 The application site lies within an inherently sustainable urban location within the defined built up area, where residential development is generally acceptable as a matter of principle, subject to detailed considerations as set out below.
- 7.2 The NPPF is clear (para. 59) that local planning authorities should support the Government’s objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development (para. 11). Likewise, Core Strategy policy SS1 of the Core Strategy seeks to direct development to existing settlements to avoid the need to release fresh sites outside of the defined built up area boundaries. The site is also allocated for residential development for

approximately 42 dwellings under PPLP policy UA3. Members must note that the figure of 42 is an *estimated* capacity and not a hard-and-fast upper maximum; the final acceptable capacity of the site depends upon the layout, building form, etc.

- 7.3 The grant of permission for residential development of the site under ref. Y12/0980, earlier this year, also very firmly establishes the principle of developing the site for residential purposes. What needs to be considered in further detail, therefore, is the scale, design, layout, and amenity impacts of the proposed development, as set out below.
- 7.4 Members may also care to note that I have assessed the scheme against Building for Life 12 (BfL12), under which it scores highly – 27/36 – the missing “ticks” being for elements that do not apply due to the scale / nature of the development.

Scale, design, and layout

- 7.5 Such sustainable locations lend themselves well to higher density developments. NPPF para. 123 a) encourages “*a significant uplift*” in the average density of residential development in town centre and other central, sustainable locations. While I note objections in terms of over-development of the site it should be noted that the scheme actually only amounts to approximately 33 dwellings per hectare, which is not particularly dense (“standard” housing estates usually average around 35/40dph). In this regard it is considered that the overall development doesn’t appear too dense in itself; buildings are well-spaced, appropriately sized gardens are provided, and circulation space / access throughout the wider site is not cramped or restricted. In my opinion, therefore, the scheme cannot be considered to constitute over-development of the site – one could very conceivably see a scheme for more flats on this parcel, which would have a greater density.
- 7.6 The proposed frontage building is of a scale that sits comfortably within the context of the existing former hospital building to the west and the houses immediately to the east, all of which are of a classic Edwardian/Victorian style with imposing architecture and detailing. The use of a contemporary design sets the new building apart from these but in a complimentary rather than combative manner, and the traditional frontage gables incorporated on the new build will serve as a reference point that ties the building into the context of the street scene. The design is also similar to the frontage building proposed at 1 Radnor Park Road under concurrent application 20/0530, and the two units will be identifiable as part of the same wider development, although each with their own particular detailing.
- 7.7 Vehicle access and the layout of the rear part of the site has been amended to make it more pedestrian-friendly and less car dominant. The vehicle access point off Radnor Park Avenue narrows down (after an initial area wide enough to allow vehicles to pass) to provide a wider footpath which leads to a shared

surface communal square, with planting and stepped seating to enable and encourage mixed or amenity use by residents. This would also provide access to the rear block proposed under application ref. 20/0530, intrinsically linking the two sites.

- 7.8 The units within the centre of the site have been aligned to present side and front-on to the access road, rather than rear-on as was originally proposed on the now-superseded drawings. This provides a visual waypoint within the site and also serves as an entrance point or gateway into the rear portion of the site.
- 7.9 The design of the houses is contemporary, which fits with the aesthetic of the frontage block. The architect (Holloway) has a good track record of very well-designed contemporary buildings which have so far contributed positively to the borough. The tall roof forms and frontage gables are traditional design features, while the vertical glazing, gold window casings, decorative brickwork and overall simple facades are a modern design choice that avoids pastiche copies of traditional architecture and will bring good design to the area. The houses do have relatively stark rear elevations, but this makes best use of thermal gain (the rears largely facing away from south) and there will be limited views of these elevations and therefore limited potential for them to impact negatively upon the character and appearance of the area.
- 7.10 The layout provides limited communal amenity space, amounting only to the shared-surface courtyard and central planted area within the roadway serving the crescent. However, the site is so close to the outdoor space offered by Radnor Park I am less concerned by this than I would be at other sites in the town; residents will have very easy access to outdoor space, including a children's play park and designated dog walking area. This also makes up for the relatively small gardens at a handful of the properties in my opinion, and I consider that the location and circumstances of the site therefore offer very specific mitigation to matters that may not be acceptable elsewhere.
- 7.11 The use of the outdoor space has been the subject of discussions between Officers, the applicant and their agent and agreed that the best use – given its limited potential for recreation – is for the provision of SUDS and soft landscaping. This can be secured by the conditions recommended below and will ensure the site contributes positively to biodiversity and ecology.

Amenity

The proposed dwellings will provide a good standard of amenity for future occupants. Internal floor spaces are in excess of the minimum required by the Nationally Described Floorspace Standard, rooms are square or rectangular and allow for suitable furniture placement, and tall windows will provide good natural daylight to each room. Residents will also benefit from the very central location of the site, with ready access to Radnor Park, Folkestone Central train station, and the various town centre facilities.

- 7.12 The proposed frontage block would be set a minimum of 8m from the flank of the flats fronting Radnor Park Avenue, and would therefore be unlikely to give

rise to any significant issues of overbearing or overshadowing. The access road would be set away from the common boundary and new tree planting / soft landscaping would serve as a buffer to those neighbouring properties.



8m between existing and proposed

- 7.13 The central terrace faces towards the rear of the existing houses on Radnor Place Gardens. However, there will be an intervening distance of at least 23m. There is no guidance on front-to-rear overlooking distances, but the standard accepted distance for rear-to-rear (where bedrooms would be facing bedrooms) is 21m; I therefore consider a distance in excess of that to be acceptable. Planting and soft landscaping is proposed to the front of these units, running alongside the access road, which will offer screening and further minimise the potential for any serious overlooking or loss of privacy to the existing dwellings. Therefore, while I note local concern in this regard, I do not agree with these concerns or consider that sufficient harm would be caused to warrant refusal of the application on these grounds.
- 7.14 There are no side windows which would face over existing properties on the crescent units, and the windows in the flank of the frontage block are angled to prevent direct views to the side. I have no serious concerns in respect of impact on neighbouring amenity from these units.
- 7.15 I also note concerns regarding the height of the proposed units in relation to the existing buildings, particularly with reference to the level changes locally. The main existing dwelling that will be affected in this regard is no. 5 Radnor Park Gardens; there would be a minimum of 10m between the rearmost first floor corner of that property and the flank of the proposed dwelling. The eaves of the proposed dwelling would be 8.9m, which is roughly the same as the ridge height on “traditional” style houses, with the roof pitching away from the common boundary. These two factors combined will serve to minimise the potential for any serious overshadowing or overbearing impact on no.5. Views from the ground floor rear windows of no.5 will not be significantly impacted –

the house has been extended at ground floor leaving a gap of only 4m to the rear boundary fence, and views from the ground floor windows are already largely of the bank and boundary fence

- 7.16 The left-hand end of the crescent will be set well away from the rear windows of the former hospital building fronting on to Radnor Park Avenue, and the outlook and light of the residents thereof is unlikely to be significantly impacted.
- 7.17 Overall I have no serious concerns in regards to residential amenity.

Highways and parking

- 7.18 Planning and highways officers disagree with the definition of the site circumstances. KCC Highways officers consider the site to be in a suburban location due to the lack of on-street parking controls (yellow lines, etc.) while planning officers consider the site to be a central, edge of town centre location due to its proximity within walking distance to the train station (less than 350m) and town centre (less than 700m).
- 7.19 Due to their interpretation KCC Highways have objected to the development on the grounds that it provides insufficient off-street parking. While officers normally try to find solutions to any KCC concerns and are reticent to go against their advice, this is a situation where I consider it appropriate to do so.
- 7.20 The Council, under the auspice of adopted and emerging local and national planning policy, is working towards achieving (more) sustainable development in the district. NPPF para. 103 states that *“the planning system should actively manage patterns of growth in support of [sustainable development] objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”*
- 7.21 To achieve this common assumptions sometimes have to be challenged and, in this instance, officers consider the site to be within a sustainable location where modes of transport other than private vehicles can and should be actively encouraged and explored. A lack of parking on the site and inherent difficulty finding local parking will – it is hoped – encourage residents of the development to consider other options, such as train, bus, car share clubs, cycling or walking. The location of the site affords ready access to all of these options. Officers therefore consider the parking provision to be appropriate in the interests of promoting sustainable development, reducing reliance of private cars, and reducing pollution, despite the objection from KCC Highways. Members may also care to note that provision of parking spaces to the KCC required standard would require the number of units to be cut considerably, impacting delivery of the 5yr housing land supply and putting pressure on other sites elsewhere.
- 7.22 Care needs to be taken to ensure a lack of parking bays within the site does not give rise to anti-social parking either within the development or on street.

Radnor Park Avenue already features double yellow lines along this section; the s106 agreement for concurrent application 20/0530 secures the extension of these double yellows onto Radnor Park Road. The condition below also secures details of internal road layout within the development to ensure any opportunities for anti-social parking within the site (on the pavement, etc.) are designed out.

- 7.23 Residents with more than one vehicle will therefore have to park on-street at the western end of Radnor Park Avenue (roughly 100m away) or within other surrounding streets to the east of Radnor Park Road and, while I appreciate local concern in regards current parking pressure officers consider this would contribute to the higher-level drive towards reducing car use overall. The lack of parking will be self-evident to purchasers of the units and they should be aware of the inherent difficulty of car ownership here.
- 7.24 Aside from parking provision: the development provides safe access on to and from the highway, and allows for safe movement, turning, and tracking within the site (although I await final technical agreement in regards tracking drawings from KCC Highways). Pedestrians are well-served, with narrower roadway allowing wider pavement and shared surfacing encouraging slower speeds within the site. I have also recommended a condition requiring EV charging points at each of the terraced dwellings.
- 7.25 Therefore, while it is regrettable to disagree with our colleagues at KCC Highways, officers consider the scheme to be acceptable in highways terms.

Financial contributions / CIL

- 7.26 The development is liable for CIL at a rate of £57.86 per square metre. The applicant has provided the requisite form confirming they will be making the necessary payments, which the Council can then use to fund local services (with regard to KCC Education's comments and cost breakdown as set out above). I have no serious concerns in this regard.
- 7.27 No affordable housing is provided on this site, the requirement instead being included within the 100% affordable flat blocks on the adjacent site, ref. 20/0350, also on this agenda. As set out in the report for that application: this is considered to be an acceptable solution as it secures a) a *surplus* of AH units over the required provision for the wider hospital site (9 AH units required for this current site, 2 required for the original hospital conversion under Y12/0980 – total proposed under 20/0530: 14) and b) within a format that is attractive to registered social housing providers, i.e. within whole blocks as this enables simpler and more cost effective management and maintenance.
- 7.28 The applicants have agreed to enter into a s.106 agreement to secure amendments to the original s.106 for the wider site, as agreed under Y12/0980 earlier this year. Nothing will be omitted from this original agreement, it solely ensures that the original requirements remain enforceable against the whole site now that it has been broken down into smaller parcels. Requirements

include contributions towards the provision of a new bus stop and affordable housing Subject to completion of this agreement I have no serious concerns.

Other matters

- 7.29 I note that the KCC Ecologist has no objection subject to the conditions set out below. Soft landscaping throughout the site, in combination with a SUDS scheme, will enhance biodiversity and ecology on the site. I therefore have no serious concerns in this regard.
- 7.30 The TPO trees within the site are unlikely to be seriously affected and the Council's arboricultural manager has no objection subject to the standard tree protection condition set out below.
- 7.31 The historic use of the site as a hospital means there is potential for it to be contaminated, but I note the comments from the EA and the Council's consultant in this regard and have no serious concerns subject to the standard condition as set out below.
- 7.32 The proposed dwellings are not within the defined flood zone, so while I note the EA's comments I don't consider there to be a need for any additional details or specific flood-proofing measures here as they are set well away from the Pent stream.
- 7.33 I have no serious concerns in respect of potential archaeology further to KCC's comments and the condition set out below.

Environmental Impact Assessment

- 7.34 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.35 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. This development is subject to CIL, and the applicant has submitted the requisite form confirming they will be meeting the required contributions.

Human Rights

- 7.36 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.37 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the Applicant

- 7.38 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this instance changes to the design were suggested and amended drawings provided by the applicant.

8. CONCLUSION

- 8.1 This application seeks planning permission for the erection of 19 flats and 19 dwellings on the site, which forms part of the former Royal Victoria Hospital land. The proposals represent good design and officers consider that the development will contribute positively towards sustainable development. While objections from KCC highways, the Town Council, and local residents are noted these are not considered to contain or amount to a justifiable reason for refusal.
- 8.2 It is therefore recommended that planning permission be approved, subject to receipt of final comments from KCC Highways and Folkestone Town Council (in respect of the amended drawings) and completion of a s.106 legal agreement to secure contributions as previously agreed under Y12/0980/SH and an additional per-unit contribution to off-site open space and play equipment.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be approved subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in complete accordance with the following drawings (all prefixed 18.140 RVH):

001 rev. P00, 020 rev. P02, 030 rev. P00, 04 rev. P00, 041 rev. P00 042 rev. P01, 043 rev. P00, 044 rev. P00 050 rev. P00, 051 rev. P01, 052 rev. P01, 053 rev. P01, 054 rev. P01, 055 rev. P00, and the submitted Livingston/Alliance Construction Phase Plan.

Reason: For the avoidance of doubt.

Pre-commencement

3. (1) No development shall take place other than in accordance with the submitted desk top contamination study.

(2) If the desk top study shows that further investigation is necessary, an investigation and risk assessment based on (1) above shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,

- Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(3) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(4) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(5) In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

4. If pile foundations (or any other foundation design using penetrative methods) are required a Piling Risk Assessment (written in accordance with EA guidance document "*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination*": *Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*" must be submitted to and agreed in writing by the Local Planning Authority before development commences on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

5. No development shall take place until the exact position of the public sewer crossing the site has been determined by the applicant, and the sewer repositioned (if necessary) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the existing sewer system.

6. No development shall take place until details of the proposed means of foul and surface water disposal, which shall include details for the installation and long-term maintenance of a Sustainable Urban Drainage System (SUDS), have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development is properly serviced

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the District Planning Authority; and

(2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the District Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

8. No development shall take place until the tree protection measures set out within the submitted Broad Oak Tree Consultants Ltd. Arboricultural

Implications Assessment have been carried out on site (in accordance with BS5837:2012). These measures shall be retained throughout the duration of construction and any protected tree damage or killed during construction shall be replaced with a tree of such species and size as may be agreed in writing by the District Planning Authority.

Reason: In the interest of protecting trees, visual amenity, and biodiversity.

9. No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

10. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 100 litres of water per person per day have been submitted to and approved in writing by the District Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

11. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

12. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted (including bricks, tiles, cladding, mortar mix, brick bond pattern, raked joints, rainwater goods and their routing/position, and depth of window reveals) have been submitted to and approved in writing by the

District Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

13. No development shall take place until details of the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the District Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the District Planning Authority.

Reason: To ensure that the roads are constructed and laid out in a satisfactory manner.

During construction

14. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

Other

15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the District Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

16. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the District Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

17. No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

18. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 7.2 of the Preliminary Ecological Appraisal (Thompson Ecology January 2019). The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing biodiversity.

19. Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting shall be installed in accordance with the agreed specification and locations set out in the plan and thereafter maintained in perpetuity.

Reason: In the interest of minimising impacts of development upon wildlife.

20. The car parking spaces shown on the approved drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: To ensure adequate parking provision and avoid harm to highway safety and amenity.

21. Prior to first occupation of the dwellings hereby permitted details of secure bin and cycle storage for the approved flats shall be submitted to and agreed in writing by the Local Planning Authority and, upon agreement, shall be retained in perpetuity for all residents of the flats.

Reason: In the interest of amenity.

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development. The developer is advised to read Southern Water's New Connections Services Charging Arrangements documents which is available to read at www.southernwater.co.uk/infrastructure-charges.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

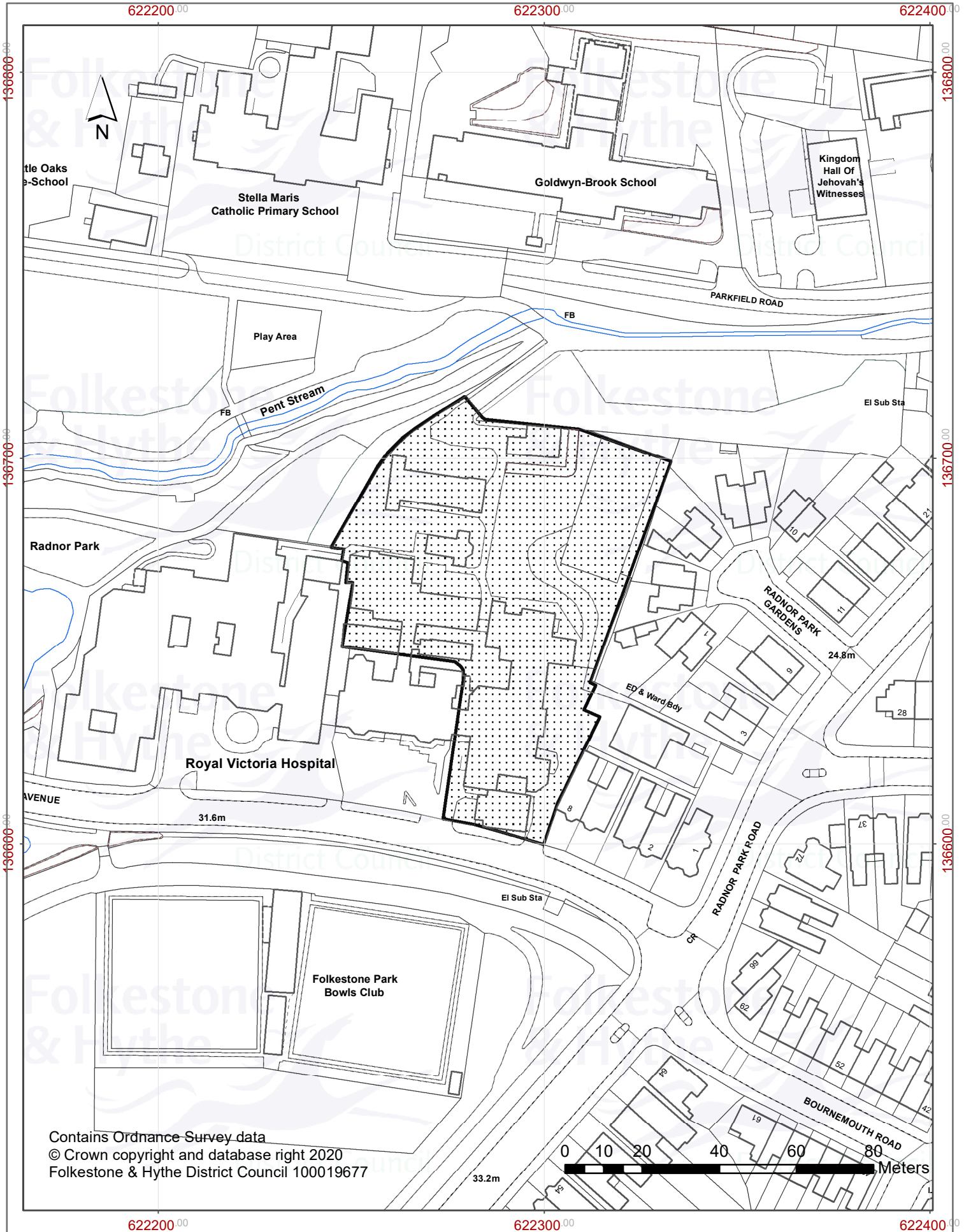
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

4. This development is subject to the terms of the accompanying s.106 legal agreement.

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20/0532/FH
Royal Victoria Hospital
Radnor Park Avenue
Folkestone



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DC/20/18

Application No: 20/0579/FH

Location of Site: The Leas Club, The Leas Folkestone, CT20 2DP

Development: Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

Applicant: Mr Olivier Daelemans

Agent: Miss Molly How

Officer Contact: Sue Head

SUMMARY

This report considers whether full planning permission should be granted for works relating to the restoration of the Leas Pavilion and the erection of a nine-storey block of flats with associated facilities, above the Leas Pavilion and on the two adjoining car parks.

The report concludes that the development is of a high-quality design respecting The Leas and the surrounding historic context, whilst sensitively integrating the Leas Pavilion within the scheme. The scheme would also result in the Pavilion's restoration and secure its long-term future, including some community use.

A viability assessment has been submitted in support of the proposals which demonstrates that due to the abnormal costs of the repair of the Leas Pavilion, no affordable housing could be made, although CIL would be paid. Officers have had the viability assessment independently assessed. It is considered that the repair and restoration of the Leas Pavilion as an integral part of the scheme is an overriding consideration in this case, and as such the proposal is considered, on balance, to be acceptable.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing the completion of the works to the Pavilion prior to the first occupation of 20% of the residential units, and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1 The application is reported to Planning Committee because it is a major planning application and of significant public interest.

2. SITE AND SURROUNDINGS

- 2.1 The application site measures approximately 0.23ha of previously developed land within the built-up area of Folkestone, and within the Folkestone Conservation Area. The site also includes the Grade II listed Leas Pavilion building, as well as two private surface level car parks located to either side.
- 2.2 The site lies to the north of 'The Leas', the highway that runs along the top of the clifftop which itself sits above the seafront. Beyond the cliff lies Marine Parade below, which provides direct access to the beach/seafront, as well as access to the Lower Leas Coastal Park.



Figure 1 - Site Location

- 2.3 The site is within Folkestone town centre, with direct and immediate access to local facilities and services. Folkestone Central Railway Station is situated approximately 1km from the site (15min walk), providing regular services to London and East Kent. The site is also located approximately 400m from Folkestone bus station and is well served by bus services along Sandgate Road to the rear, offering access to a wide range of routes.
- 2.4 The site is also situated within the Folkestone Leas and Bayle Conservation Area, which was first designated in 1972, with the most recent revisions occurring in November 2005. A wide variety of character areas are incorporated within the Folkestone Leas and Bayle Conservation Area boundary. The site is

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located within the West End of the conservation area, adjacent to The Leas and Folkestone Seafront and within the Leas Character Area. The West End of the Conservation Area makes up the historic residential component of the town. This character area is the largest within the Folkestone Leas and Bayle Conservation Area and comprises a formal street layout. In terms of style, the area is dominated by exuberant stucco architecture, demonstrating classical uniformity. However, there is an element of variation in terms of design, materials and detailing.

- 2.5 The Leas Character Area, adjacent to the site, forms part of the grand recreational Folkestone promenade. The Folkestone promenade is a popular historic open space which boasts expansive views to sea, over a drop of over 40m to the beach. Key views and vistas within the Folkestone Conservation Area which take in the site include views from and along The Leas, as well as from the beach.
- 2.6 There are several other listed buildings located in the area surrounding the Leas Pavilion. The Leas Lift is a Grade II* listed building. The Leas Lift is a cliff funicular railway and includes waiting rooms, a pump room, the track and cars, brake houses, boundary railings and lift machinery. At present this facility is not open but its long-term use has been secured through the recently approved seafront development. It will then provide both a historic and physical link to the seafront below.
- 2.7 A number of listed buildings are also located on Sandgate Road (No. 88 Sandgate Road and the Former Gas Showroom at Nos. 70 and 72). Other listed buildings along The Leas include Nos. 18 and 19, the Folkestone War Memorial and the Folkestone Memorial Cairn.

Leas Pavilion

- 2.8 The Pavilion has previously been used as a tea-room, followed by a theatre and more recently as a bar/nightclub. It has now been vacant for approximately 8 years.
- 2.9 The Leas Pavilion was designed by Reginald Pope and was opened in 1902 as a tea house. It was subsequently converted to a theatre in 1928 with the northern galleries replaced by a proscenium arch and with alterations to the east and west galleries. The building is constructed principally of red brick but with buff terracotta blockwork to the south front with projecting pavilions and balustrades enclosing the sunken forecourt area and steps.
- 2.10 The building sits at the centre of a property block bounded by Longford Way (to the north), Cheriton Place (to the west) and Longford Terrace (to the east), within the space originally used as amenity land for adjoining development. The building fronts onto the Leas with a sunken courtyard contained by two projecting wings and has a rear elevation onto Longford Way. There are sunken areas to the sides of the building and beside these, to the east and west, vacant plots are the aforementioned car parks.

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- 2.11 Historically, the car parks were occupied by substantial buildings - rows of 5 storey hotels and attic terrace houses, designed in the stuccoed Italianate classical style, typical of west Folkestone.
- 2.12 The Leas Pavilion building itself is set into the ground with the flat roof approximately 1.2m above the surrounding ground levels. Steps lead down into a broad sunken forecourt terrace at two levels onto which the principle elevation faces. This frontage is built entirely of terracotta blocks and is of a symmetrical composition with an enriched pediment with dolphin motifs set over the central entrance. The façade is of seven bays, with the end bays projecting well forward of the main front to form projecting wings that enclose the terrace on the east and west sides.
- 2.13 The façades are arranged as a series of “shopfronts”, each comprising a pair of elliptically arched windows to either side of an arched topped doorway. There are four shopfront sets in all, two of these facing south to either side of the central entrance and the other two on the side elevation of the projecting wings, facing each other across the forecourt. The ends of the projecting wings are each formed with a simple “shop” window occupying most of the end elevation of these wings.
- 2.14 The design of the facades are of a very slender nature with narrow pilasters, built off the terracotta blocks between the windows and doors, with slightly more substantial piers at the corners of the building. Above the arches there is an elaborate entablature with a heavy moulded cornice supported on dental blocks extending right along the frontages of the building.
- 2.15 Attached to the building is a patent glazed canopy, supported by decorative wrought iron eaves beam which in turn is carried by a series of large decorative wrought iron brackets bolted back to the façade. This appears to be a later work attached to the original building.
- 2.16 The interior of the building contains an impressive series of spaces with a central vestibule entered from the sunken outer courtyard. This leads on into the main central double-height hall space with a coffered ceiling with the lay light of a former central lantern light which is flanked by galleries to either side at the upper level, with the later proscenium inserted into the north side. An imperial staircase leads down to the lower level. Images of the building in its current state are set out in Appendix B at the end of this report.

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2.17 A fuller description of the building and its history is contained in the Historic England list description which is set out in Appendix D of this report.

3 PROPOSAL

3.1 Full planning permission is sought for:

- Restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use (Class C3)
- Flexible use for community access/assembly and leisure (Class D2),
- Construction of 91 apartments in a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys)
- and associated cycle and refuse storage, landscaping, with parking provided to either side of the Leas Pavilion at half-basement and lower ground floor levels, accessed from Longford Terrace and Longford Way.

3.2 The Leas Pavilion is a Grade II listed building of particular local importance, with a history of commercial use by the general public since it first opened. It has been in a state of some disrepair for a number of years, with a Repairs Notice served upon the current owners, which seeks to ensure that immediate works are carried out to protect the integrity of the building.

3.3 This proposal would ensure the future of this building and address the Repairs Notice.

New Build Apartments

3.3 The proposal would see the erection of 91 apartments with nine storeys of residential accommodation that would sit on either side of the Pavilion as well as 'bridge' across it. The design of this building is contemporary although the architect has sought to draw direct reference from historic building patterns and forms to ensure that the building sits comfortably within the site.

3.4 The proposal would consist of the following unit types:

Unit Type	No.
One Bedroom Flat	25
Two Bedroom Flat	56
Three Bedroom Flat	10
Total	91

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- 3.5 It is proposed that all the units within the development would be for market housing, with no affordable provision. The application is accompanied by a viability report which seeks to address this matter. This report and its findings are addressed in more detail later within this report.
- 3.6 The building would rise to a total of 9 storeys, with a maximum overall height of 32.6 metres from ground floor level.
- 3.7 The built form would also take up the footprint of the site, with each elevation (or part of it) sitting on the boundary of the site, abutting the footpath of the highway (or the highway itself to the rear).
- 3.8 Given its prominence, its location within the Conservation Area and the necessity to preserve the Pavilion and its setting the application has been subject to significant amendments since the point of submission in order to make the development acceptable – these amendments are summarised below:
- Alterations to front elevation to provide more vertical emphasis;
 - Additional car parking spaces;
 - Amendments to the plinth of the building;
 - Amendments to the side elevations to provide greater articulation and rhythm;
 - Amendments to the vehicular access into the site;
 - Amendments to the junction with Longford Terrace; and
 - The inclusion of louvres on the front elevation.
- 3.9 In terms of the materiality of the proposed flats, in order to protect maximise the views from The Leas and to protect against the elements the apartments would be predominantly glazed fronting onto The Leas, with greater solidity (with the use of white stone panelling) along the side and rear elevations. All units facing out towards the sea would be provided with a balcony, which would be finished in zinc cladding along its solid edge.
- 3.10 These materials have been proposed in order to provide a lightness to the building, which reflects its location (along the clifftop) as well as seeking to reduce the perception of bulk.
- 3.11 The new apartments would sit upon a terracotta plinth, which seeks to replicate the character of the existing Leas Pavilion – without the level of intricacy seen on this listed building. Where appropriate/possible, small areas of landscaping would be provided upon this plinth, with the main building then sitting behind and above this.
- 3.12 The residential properties would form a U-shape above the Pavilion, with two ‘wings’ either side, and the central apartments ‘bridging’ over the listed building.

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This central element would be set back from The Leas, rising to its highest point at the rear of the site, in a tiered effect.

- 3.13 The apartments would be accessed through either the car parking areas or through the front of the Pavilion building, where a concierge would be provided. When events are being run in the Pavilion, an alternative means of access would be provided internally, with access points along both the eastern and western 'wing' of the building, to ensure that the performances would not be interrupted.
- 3.14 The indicative images of the proposal are shown below with a brief explanation of each elevation, or vantage point from which the image indicates the likely impact.



Figure 2 - CGI of Front Elevation



Figure 3 - Birds eye view of proposal

- 3.15 The image on the previous page (Figure 2) shows the front elevation of the building, when viewed from the grassed area beyond The Leas. This image shows the retention of the Leas Pavilion building, with new terracotta plinth on either side. The shape of the building can be seen, with the development 'pulled back' from the site frontage within the centre, and also as it rises. The horizontal emphasis of the building can be seen within this image, although the solid elements of the scheme do seek to provide an element of verticality, which is more prevalent within the historic built form within the locality.
- 3.18 The image below (Figure 4), shows the side elevation of the building, facing on to Cheriton Place. The balconies, and projections and recesses of the elevation can be seen here, which seeks to respond to the traditional bays within the locality, albeit with a more contemporary appearance.



Figure 4 - Side Elevation (Cheriton Place)



Figure 5 - Proposed Bays and Balconies to side elevation

- 3.16 The image also shows how the top floors of the development would be tiered and would step back beyond the fifth floor of the building. This would give the appearance of the building having an 'eaves' level of five storeys which is of a height not uncommon within the vicinity.
- 3.17 The plinth is also shown as being of a scale that would not appear dominant as pedestrians moved past the site. The stepping back of the plinth together with the provision of soft landscaping upon it is also shown.
- 3.18 Projecting curved glazed elements reflect the more traditional bay windows seen within the locality, but in a contemporary form.
- 3.19 The image on the following page (Figure 4) shows how the development would appear when viewed from the junction of Sandgate Road and Cheriton Place (looking towards The Leas). The image shows how the development would be significantly taller than the development along Sandgate Road, and Cheriton Place. Views from Sandgate Road of the development would however be

restricted to the views along either side street – it would not otherwise be visible from the main thoroughfare.



Figure 6 - Figure 4. CGI Sandgate Road



Figure 7 - View towards the Leas

3.20 Figure 8 (below) shows the development when viewed from the junction of Sandgate Road and Longford Terrace (although this junction only allows for pedestrian access). Again, this shows the relatively limited impact that the proposal would have upon Sandgate Road, and also demonstrates how the development has sought to respond to the more traditional form of bay windows (and the rhythm that these create).



Figure 8 - CGI Sandgate Road and Longford Terrace

- 3.21 The increase in height between the properties within Longford Terrace should be noted, together with the relatively restricted view of this change in height.
- 3.22 Longford Terrace is, at this point pedestrianised with no through flow of traffic, nevertheless, footfall is relatively high given its link between the Leas and the main town centre area of Folkestone.



Figure 9 - CGI of rear of building (Longford Way)

- 3.23 The image above (figure 6) demonstrates the height difference between the proposed building and the existing buildings in Longford Terrace. However, it also highlights that this view is fairly restricted and the proposal responds to the materials used within Longford Terrace which lessens the impact in visual terms.
- 3.24 This image shows how the development would appear when viewed from Playdell Gardens. Again, the scale of the building is apparent, although this image does highlight the separation between the site and the adjacent development, due to its location being surrounded by highway. It also shows the use of materials which reflects the palette of nearby properties.
- 3.25 Internally, the lower ground floor plan as shown (Figure 7) shows the points of access for the car parking areas, one served from Longford Way and the other from Longford Terrace. Internally, the communal space is shown, with the main access served through the site frontage, a concierge, and meeting room also provided. The reinstatement of the traditional balcony at the northern end of the hall is also shown, which will recreate the original form of the building. The plan

also shows the location of the lift shafts that will serve the building, as well as the cycle and bin storage areas within the undercroft parking area.

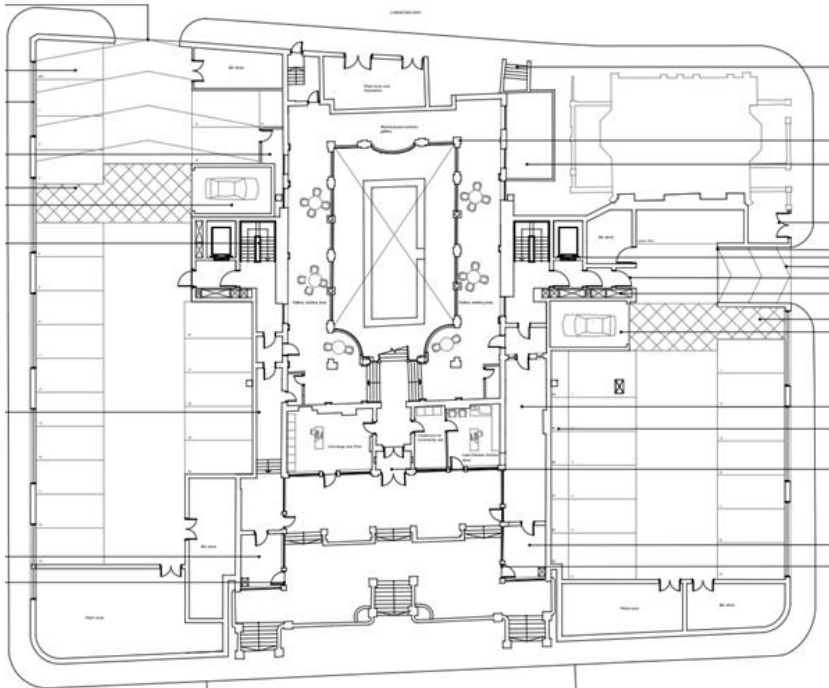


Figure 10 - Ground Floor Plan

Restoration of Leas Pavilion

- 3.26 An integral part of the applicant's proposals includes the restoration and renovation of the existing Leas Pavilion, which is in a state of disrepair. The repairs of this element of the listed building would provide a communal space for future residents as well as allowing for some public access for functions and also to view archives of local interest.
- 3.27 The Leas Pavilion would become the main entrance to the residential element, with the main hall then used as a communal space when community events are not taking place. Residents of the Pavilion would pay a service charge each year to ensure the upkeep of this access and communal space. This would ensure the long term future of the Pavilion building – as well as allowing for community access. The details of the proposed uses are summarised below.
- 3.28 Within the retained pavilion the following areas would be provided:
- The existing two main rooms would be used as a concierge and cloakroom.
 - Within the office to the rear of the cloakroom, the Leas Pavilion Archives would be housed, and images and information then displayed within the gallery areas of the main hall.

- The main hall of the lower floor, where the tea-room historically functioned from, would be provided with flexible seating and staging so that a variety of different performances and functions could be held in the space. Existing rooms and spaces around this area would be used for different ancillary functions including a green room and storage or community use and a kitchenette.
 - The former bowling alley and snooker area to the front of the building beneath the courtyard would be used as storage for the residential units, including the bicycle storage for each unit.
- 3.29 Many of the internal alterations required to facilitate the above are require listed building consent. These are fully considered within the accompanying listed building application that is also before Members for determination (ref: 20/0563/FH).
- 3.30 Externally, alterations and repairs are sought to the frontage of the listed building. In particular, the restoration and repair of the terracotta frontage is proposed. Where possible, the existing terracotta (both that which remains in situ and which has been salvaged within the building) would be reused with elements restored to their original locations. A specialist in terracotta repair has been commissioned, and a report submitted which sets out the likely work required to this effect.
- 3.31 The Art Nouveau stained glass windows on the front facade would also be carefully restored, again making use of the salvaged elements where possible, and the brickwork to the east façade would be carefully repaired.
- 3.32 Within the front courtyard a number of changes are also proposed:
- The non-original metal veranda which extends across the main frontage is to be removed. This was introduced in the 1920s and is in poor condition with much of the glazing missing. While not yet consented (the application remains undetermined – see Planning History), a 2019 application proposed the removal of this feature and concluded that ‘whilst the canopy has become part of the history of the building and, were it to be in good condition, it would contribute to its character. The process of restoration, however, means that it has to be taken down and given the extent of replacement required, perhaps it is not really worth restoring it afterwards.’ (ref: Y19/0665/FH). As such, the removal of this feature has already been accepted by the Council and its loss would better facilitate the restoration of the façade to its 1902 character.
 - The original surface (potentially stone or gravel judging by historic photographs) has been replaced with modern asphalt which has, over time, degraded. This is now causing a water leak into the basement below.

Proposals seek to repair the water ingress and provide an appropriate new surface within the courtyard.

- 3.33 Again, these form part of the consideration of the accompanying listed building application for determination.

Community Use

- 3.34 The applicant has sought to work closely with community groups, including the Friends of the Leas Pavilion to ensure that suitable provision can be made, and to that end they have submitted draft Heads of Terms that would link to a S106 Agreement should planning permission be granted. The Heads of Terms are summarised below:

- The Applicant would provide Community Use to the Main Hall for community events and activities such as for example music performances (acoustic or amplified), lectures, theatre performances or other events to be approved by the Trust.
- The space is not expected to be used for very large events or 'gigs'. Events with very high noise levels are naturally limited by the volume (max 90dB) and capacity of the space. The restored venue would have a capacity in the region of 100 people, unless the Trust decide that Health and Safety and Noise regulations could allow for more people.
- Community Use would be provided in the region of 100 days per annum, unless the Trust decide for more, of which 1 day would be one weekend per month (Friday or Saturday). All other days would need to occur during the week, from Monday to Thursday.
- The Community Use would occur between the hours of 12pm and 10pm during weekend events or activities, during the week either from 10am to 3pm or from 3pm to 10pm. When events or activities are being held then the residents would have a separate entrance to their units without interfering with the Main Hall.
- The Applicant would allow for the display of archive material on the ground floor galleries of the Leas Pavilion.
- A Storage Archive area would be provided within the ground floor
- There would be a Trust formed by a resident representative, a representative of the Friends of the Leas Pavilion, a Council representative (who is likely to undertake this role in a private capacity) and an immediate neighbouring resident.

- The Trust would approve all proposals with regards to events and activities organised by the Community. This means that reservations should generally be made 3 months in advance.
- The Trust would be able to decide on certain events and activities on a shorter time-frame if necessary.

3.35 The full draft Heads of Terms are available for review on the Council's website (as a public document).

Parking Provision

3.36 The proposal includes two levels of car parking provision, the lower of which would be served by a lift (one on each side of the property). In total, 65 car parking spaces would be provided within the development – equating to 0.7 spaces per unit. The applicant highlights that this is in accordance with policy T2 of the Places and Policies Local Plan (which refers to one space per unit being a 'maximum' requirement for one, two and three bedroom units within the town centre) and the Council's drive for sustainable development in this central location well served by public transport.

Other Matters

3.37 The applicant has confirmed that the necessary CIL payments would be made to the Council should this application be approved.

3.38 In addition to the relevant plans and drawings, the following documents were submitted by the applicant in support of this proposal:

Planning Statement (PS)

3.39 The Planning Statement discusses the site context, the policy context and how the issues and constraints specific to the site have been addressed. This document also summarises the pre-application discussions that have taken place between the Council and the applicant, as well as the public consultation exercises.

3.40 This document concludes that the proposal would result in a high-quality scheme that would result in the restoration of the listed Pavilion building and would not unduly harm the amenity of neighbouring occupiers. The Planning Statement refers to the viability, but does not conclude on this matter, nor the provision (or otherwise) of affordable housing.

Design and Access Statement (DAS)

3.41 The Design and Access Statement (including subsequent addendums) fully explores the design rationale of the development, as well as the evolution of the

scheme from pre-application to the point of determination. The Design and Access Statement looks at the historic context of the building and provides a summary of the works required to the listed building. It also provides information on the floor plans as well as the car parking arrangement.

- 3.42 The DAS summarises that the proposal would represent a high standard of design that would have a positive impact upon the character and appearance of the locality, whilst also allowing for the improvement of the Pavilion building.

Heritage Statement (HS)

- 3.43 The submitted Heritage Statement makes an assessment on the historic importance of the building, identifying its significance as a heritage asset, and then provides an assessment of the proposal in terms of the level of harm caused by the proposal.
- 3.44 The assessment concludes that overall the proposals are found to preserve and enhance the significance of the grade II listed Pavilion and the Folkestone Leas and Bayle Conservation Area. The introduction of built form in this way would result in less than substantial harm by virtue of the proposals.

Transport Statement (TS)

- 3.45 The Transport Statement submitted with the application provides a justification of the parking provision within the development, when considered would be against current policy and parking standards.
- 3.46 The Transport Statement (TS) concludes that due to the site's central location within Folkestone town centre, the existing sustainable transport network and facilities that allow for an alternative to residents using private cars, there is not a requirement for a parking provision that exceeds the adopted parking standards. The number of parking spaces proposed is deemed appropriate for a town centre environment, and would provide a level of parking consistent with that required by policy TR12.
- 3.47 The proposal would not result in additional harm to highway safety or congestion and likely trip rates have been calculated as 21 two-way AM trips and 25 two-way PM trips. The TS recognises that this would not result in any severe congestion within the local area.

Preliminary Ecological Assessment + Bat Hibernation Survey (PES)

- 3.48 This assessment identifies that there would be no impact on protected species (including bats) or on any fauna or woodland of value.

Townscape and Visual Appraisal (TVA)

- 3.49 This appraisal was submitted in order to demonstrate where the building would be visible from and the impacts that it would have thereafter. The appraisal concludes that the proposal would bring about a number of beneficial impacts both from short and medium/long range views from a number of viewpoints. It does identify that the magnitude of change at a local level would be substantial, but positive.

Energy Strategy

- 3.50 The submitted Energy Strategy sets out how the proposal would perform in relation to the current Building Regulations, and looks at what sustainable technology would be feasible to utilise within the building. This looks at the possibility of using air source heat pumps amongst other opportunities.
- 3.51 In order to meet the energy and sustainability targets of both the Building Regulations and Local plan the scheme would introduce the following energy reduction methods using the London Plans Energy Hierarchy: Be Lean, Be Clean and Be Green methods. When testing these methods on impacts on CO₂ emissions and savings, the Energy Strategy finds the development would achieve a 49% improvement of Predicted CO₂ emissions over current Building Regulations and Baseline requirements, compared to the 10% required by the Places and Policies Local Plan.

Structural Assessment and Appraisal

- 3.52 This report describes the structure of the Pavilion and provides an overview of its current condition. It includes an appraisal of the causes of damage and the risks of further deterioration, together with a summary of the anticipated impact of the proposed new construction. Recommendations are presented for further inspection, investigation and indicative types of repairs to the listed building.
- 3.53 In terms of the current structural condition of the building the document's appraisal finds a number of faults with the current building condition, in summary these are as follows:
- **Water Ingress:** The building is not watertight and suffering from water ingress causing decay and damage to the building fabric;
 - **Vegetation:** Vegetation is found in the terracotta facades and walls and steps to the southern forecourt causing significant damage;
 - **Timber Decay:** Timber joints of flat roof and gallery floor are at high risk of decay. There is extensive evidence of dry rot;
 - **Steelwork:** The condition of some beams seems reasonable, with surface corrosion consistent with a building of this age. However, there remains risk that beams elsewhere are suffering from severe corrosion;

- **North Retaining Wall:** Horizontal crack visible. The plaster need removal to determine if this permeates to the masonry wall. Diagonal sheer crack is also observed on the external wall of the stage extension;
- **Concrete slab above basement:** Concrete slab soffit has spalled in places and the fine steel mesh corroded;
- **South Elevation and South Wings Terracotta Facades:** Evidence of movement of the principal south elevation. To the forecourt, the cornice shows significant downward movement;
- **External Balustrades, Steps and Walls:** Substantial movement and damage have occurred to the features of the forecourt.

Daylight and Sunlight Assessment

- 3.54 This report seeks to assess the potential impact of the proposal in relation to daylight, sunlight, and overshadowing of the neighbouring buildings. The objectives of the proposal are to assess the baseline conditions of the site; analyse the potential impacts of the development on the daylight and sunlight currently received by neighbouring properties and assess these impacts.
- 3.55 This report identifies that there would be some loss of daylight to two of the flats within Longford Terrace. However, this also notes that this is not uncommon within built up areas. A full summary of this report is set out within the residential amenity section of this report.

Archaeology Desk Based Assessment

- 3.56 The report includes analysis and interpretation of the Historic Environment Record, map regression, aerial photographs and any existing site records analyses, with provisional historical contextualisation. It provides an assessment of the likely level of works required to protect any archaeology of interest.
- 3.57 Overall, there is insufficient evidence to judge the likelihood of pre-nineteenth-century archaeology being found. However, the site's proximity to the Roman Road and Medieval monastery and church raises the possibility of some form of archaeology surviving in the vicinity from earlier periods. Their assessment finds there is a chance that archaeological features, artefacts or ecofacts may be disturbed or destroyed by groundworks. As a result, the report concludes that in order to mitigate any potential impacts on the archaeological record, an archaeological field evaluation, in liaison with the Local Authority Archaeologist is recommended.

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site is as follows:

- 86/0193/SH Change of use from theatre to leisure activity club with dance floor and bar, including snooker and billiards and café/restaurant.
Approved.
- 94/0383/SH Erection of 2 No. 5 storey blocks of 20 flats (total of 40 flats) over semi-basement garaging to replace the buildings on the Longford Terrace and Cheriton Place frontages and the formation of a roof garden and conservatory on top of the Leas Club.
Approved.
- 94/0384/SH Conservation area consent for demolition of the Hotel De France 1 – 4 Longford Terrace, 8 The Leas and 2 Cheriton Place, Folkestone.
Approved.
- 08/1212/SH Change of use and conversion of Leas Club from a bar (Class A4) to a gymnasium/health club (Class D2) including alterations and refurbishment of the building together with the erection of a seven storey block of 68 residential apartments (5 full storeys, two recessed), parking, bicycle storage and 2 commercial units (Class A1/A3) to the ground floor and the construction of a basement parking level.
Approved.
- 08/1213/SH Listed building consent for internal and external alterations in connection with the change of use of the building to a gymnasium/health club (Class D2) and erection of apartment block.
Approved.
- 19/0665/FH Listed Building Consent for the removal of the existing canopy to frontage.
Pending.
- 19/0870/FH Listed Building Consent for dismantling associated structural works and reconstruction of both front extensions, including the refurbishment of the existing shop fronts.
Pending.

4.2 Of particular relevance to this planning application is the proposal submitted in 2008 and subsequently approved (08/1212/SH) for a significant extension that wrapped around the existing listed building. Whilst this application is no longer extant, it remains a material consideration in the determination of this application, as that permission agreed a certain scale and form of development. The level of weight that this can be afforded has decreased since approved (and since it was no longer extant) but Members nevertheless should consider the

previous approval in relation to this application. Images of this proposal are included within Appendix C of this report.

- 4.3 There is no other planning permission or listed building consent relevant to the determination of this application.

5 CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below:

Folkestone Town Council: Object on the following grounds:

(a) The height of the building exceeds that previously permitted, and is harmful to the character and appearance of the locality.

(b) Concern is also raised with regards to the viability of the scheme and have suggested that greater transparency on this matter be provided.

[**CPO Comment:** All viability work submitted has been made available, and has been scrutinised by independent viability consultants. The results of these discussions are set out within the report].

(c) The loss of the existing car parks is of concern, and the lack of car parking provision within the development.

(d) Safeguards should be put into place to ensure that the community use is retained for the long term, and cannot be removed by the residents of the new flatted element.

(e) Repairs of the Pavilion should be undertaken in advance of the new build element.

Folkestone and Hythe Strategy and Partnerships Officer: Raises no objection

Environmental Health Officer: Raises no objection in respect of noise and contamination subject to conditions.

KCC Archaeology: make the following comments:

‘The site has below ground archaeological potential for remains of Romano-British and medieval activity as well as more recent development. The grade II listed Leas Pavilion has ‘archaeological’ as well as architectural interest, in terms of the surviving fabric and fittings of the building.

The site's below-ground archaeological potential will have been impacted to some extent by 19th and 20th century development and I consider that it would be reasonable for field evaluation and any necessary subsequent mitigation of impacts to below-ground archaeological remains that would result from the proposed works, to be secured by an appropriate condition.

With regards to the historic building, I recommend that a report on the historic building and its evolution since construction in 1902 is prepared making use of a combination of the existing records, such as those referred to in the heritage statement and information recorded during the development process. A single report on the building and its evolution should be produced as a record for the Kent Historic Environment Record and for archive and if deemed appropriate, for publication.'

[CPO Comment: This can be secured by condition]

KCC Highways & Transportation: Raise no objection

First Consultation:

Objected on highway safety grounds on the basis that the access to the western parking basement off of Longford Way is made up a double ramped access that requires drivers to turn 90 degrees twice to get to the highway. KCC found this access would only suitable for one-way traffic and there was no inter-visibility between drivers exiting the basement and those approaching from the highway. This would have likely resulted in emergency stops, collision of convoluted reversing manoeuvres.

Second consultation:

Raise no objection following the amended plans which provide a new access into the parking area (and indeed increased parking provision). The following comments were made:

The increased number of parking spaces is acceptable and the addition of car lifts is not seen as problematic. Whilst some elements of the keep clear turning area aligned with the parking area appears slightly small, this is a very small speed environment.

There was an error in the previous response Item 7 in relation to community use parking should read:

*With regard to the small community use element of the proposal, in this town centre location I can confirm that in my view this does **not** require its own parking allocation.*

An alteration to the surfacing of The Leas is indicated on the Proposed Ground Floor/Parking Level drawing. This concept is acceptable however there is insufficient detail to assess and approve this feature. This will therefore have to be approved by condition.

Potential delivery bay is detailed on the same drawing above. This is an important highway aspect of the proposal and will need to be conditioned.

Advise early talks with KCC's Streetworks Team with regard to highway improvements, carriageway space, hoarding and licenses for build.

Highway space nearby is both limited and protected by parking restrictions. The construction phase will likely see zero parking opportunity on site for contractors and tradesmen. A robust construction management plan will be required to mitigate these issues.

The revisions to the proposal and clarification of design details removed previous concerns and subject to conditions KCC Highways raise no objections.

A further consultation took place relating to the re-design of the undercroft car parking (August 2020) and it was considered that these amendments were acceptable and would not give rise to any highways safety concerns.

Historic England: Raise no objection but have made the following comments:

- (a) Proposals for the interior and exterior of the grade II listed building would enhance the building's significance thus meeting this NPPF objective (Para 192 (a)). Of note, is a comprehensive scheme to reintroduce the tea rooms original form including a triptych arrangement of arches at its northern end which served as a focal point when built and the arcade on the east and west galleries.
- (b) Externally a comprehensive programme of conservation work is proposed for the terracotta work, once again revealing the glory of this very special façade. Limited demolition to accommodate secondary entrances in to the new development and new stairways and the loss of later changes which help explain the building's use as a cinema would cause a low level of harm to heritage significance.
- (c) We think a good deal of information will need to be secured by condition.

- (d) We are content to defer to the advice of your Conservation Advisor for the wording of these conditions in addition to any other conditions he suggests for the granting of a listed building consent.
- (e) As well as works to the pavilion a 9-storey building with semi-subterranean parking is also proposed. We do think the development causes a low level of harm to the grade II listed Leas Pavilion which historically had no near development directly to its north, the spaciousness here thus giving some added prominence in the streetscape to its semi subterranean forecourt and principal elevation, and we think this will be compromised to a limited degree by the scale and proximity of the new development, especially the northern range. At the same time, removing unattractive surface car parking to the east and west of the pavilion is a positive change. We do not necessarily think a building of this scale in itself causes harm to its significance of the Folkestone conservation area which is characterised by terracing of a homogenous scale punctuated by larger buildings on the Leas.
- (f) We think the overall concept for the building, of one divided in to three parts vertically, and of a central bay flanked by two wings, based on historic examples on the Leas is a strong one.
- (g) Historic England has no objection to the applications on heritage grounds and considers that the applications meet the requirements of the NPPF, in particular paragraph numbers 190 and 194.

The Victorian Society: was consulted and expressed an eagerness to see the existing Pavilion building brought back into use – and the use and works to the existing building are not contested. However, the Society does raise concerns to and finds the design of the building objectionable, citing that they consider it dominate the existing building and therefore reduces its impact upon the streetscape, thereby reducing its significance.

Concern is also raised with regards to the level of glazing within the front elevation.

The Theatres Trust: Support the proposal but make the following comments:

'While we do not object to the proposal in principle and the quantum of development we have some concern regarding the overall design and massing and the impact this has on the appearance and significance of Leas Pavilion and its setting. We suggest the proposal should be reviewed, perhaps to step the building up and back from Leas Pavilion or for the side wings to be pulled back to help maintain the Pavilion's existing character as a low and horizontal block rather than being almost subservient beneath the new development.

In conclusion we are supportive of the development in principle although suggest that the scheme is amended to maintain Leas Pavilion's character as a designated heritage asset and setting. We also consider it essential the development is conditioned as set out to ensure the public benefits of a restored Leas Pavilion as a heritage, cultural and social asset are realised.'

Southern Water: Raise no objection subject to the imposition of suitable conditions which are set out at the end of this report.

Kent Fire and Rescue: Raise no objection.

Local Resident's Comments

5.2 155 neighbours were directly consulted by letter. 124 objections have been received and 29 letters of support

5.3 These comments are summarised below:

Objections

- Blocks Sunlight to neighbouring residents
- Serious problems with lorries blocking the road
- Over development
- Not enough car parking
- Loss of public car parking
- Impact on the economy
- Construction noise and dirt pollution
- Access and parking impacts using the same access as McDonald's and Iceland.
- Safety concerns for Fire and Rescue access
- Loss of privacy for nearby residents
- Social housing available?
- Blocks neighbouring sea views
- Concerns of structural damage of existing buildings
- Dust from the development will impact on health issues
- Development dwarfs the listed building
- Anything above the roofline of Longford Terrace will be an intrusion on the skyline and be overbearing.
- Loss of parking will cause a huge impact on Folkestone's economy.
- Arrangements for time of work, noise levels, works traffic control and dust and dirt control?
- Out of kilter with surrounding development in size and look.
- Council should purchase and restore the pavilion from public funds.
- Plan lodge in a pandemic which seems underhand.
- Huge difference in comparison to the original plans.
- Transport Statement says the access is good. This is not the case.
- Infrastructure can't support
- Will cause disruption and anxiety to older residents

- Why is there no noise assessment? What soundproofing is in place?
- No formal assessment of the environmental impact with its huge shadow and effect on wind movement.
- Adequate soundproofing is needed to allow live music, culture and art to happen safely.
- Concerns of what community facilities and performances will be allowed – little information provided.
- Please publish a fully compliant VA in line with judgement in R (Holborn Studios) v London Borough of Hackney (No2).
- Little to no mention of disabled or accessibility requirements.
- What is to happen to the Sycamore tree to the rear of the site. Application form says there are no trees on site this is incorrect, why has there not been a Tree Survey submitted?
- A number of Grade II and II* listed structures are in the vicinity the proposed building will negatively impact visitors to these structures.
- No proper consultation to ask what the people of Folkestone wanted to see the pavilion used for.
- Will be asking the secretary of state to investigate whether the Council has properly advertised both applications.
- Ask Council to back their point from the previous application – the proposal is limited to the roof heights along Longford Terrace.
- Refusal could be the catalyst for efforts to find other ways to restore the Leas Club.
- Looks like a modern cruise ship – a floating ugly block of flats.
- If approved will encourage further high-rise applications.
- Head of Terms on the club are so onerous it will never be used by the community.
- Fail to see how this proposal is restoration. Surely a ‘genuine’ restoration could be managed through compulsory purchase.
- Access would be better than Cheriton Place rather than Longford Terrace.
- Head of Terms are vague and unacceptable.
- Threatens stability of our building as we share an underground cellar with the proposed site.

Letters of Support

- Support the proposal however, wish a condition to be implemented which will allow a substantial amount of community use.
- Opportunity to improve the Leas
- Building will lift the perception of the town for residents and future investments.
- Perfect regeneration strategy
- Support however is a bit larger than it needs to be. Hoping it would be used for more community.
- Will bring the pavilion back to its former grandeur, enhance the town centre and bring exciting architecture to the town.

- Project will create employment during and after the development.
- Only financially viable future of the site is residential.
- Thoughtful proposal produced in dialogue with FLP.
- Without a rescue deal the building is doomed, this is its last chance.
- Height is not an issue – precedent has been set by No 1 the Leas.
- Add to desperately needed housing stock.
- Safeguard one of the towns finest assets.
- Good relationship between old and new.

5.28 Responses are available in full on the planning file on the Council’s website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6 RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been found sound by the Inspector, subject to main modifications, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48. This was referred to the Folkestone and Hythe Council Cabinet in July 2020 who agreed for the plan, with modifications to be referred to Full Council for approval.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

SD1	Sustainable Development
HO1	New Residential Development
BE1	Design
BE4	Criteria for considering development within conservation areas
BE5	Control of works to listed buildings
BE13	Urban Amenity Space
BE16	Landscape Features
TR5	Provision of Facilities for Cycling in New Developments and contributions Towards Cycle Routes
TR6	Pedestrians
TR11	Access to the Highway Network

TR12	Vehicle Parking Standards
U2	Mains Drainage
U4	Protection of Ground and Surface Water Resources

Shepway Local Plan Core Strategy (2013)

DSD	Delivering Sustainable Development
SS1	District Spatial Strategy
SS2	Housing and the Economy Growth Strategy
SS3	Place-shaping and sustainable settlements strategy
SS5	District Infrastructure Planning
SS6	Spatial Strategy for Folkestone Seafront
CSD1	Balanced Neighbourhoods for Shepway
CSD2	District Residential Needs
CSD5	Water Efficiency
CSD6	Central Folkestone Strategy

Places and Policies Local Plan Submission Draft (2019)

The Submission draft of the Places and Policies Local Plan (PPLP) (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council received the Inspector's report into the plan on 26th June 2020 and the Inspector found the plan meets the government's requirement and that is sound subject to modifications set out in his report.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

CC1	Climate Change
HB1	Quality Places Through Design
HB2	Cohesive Design
HB3	Internal and External Space Standards
C1	Creating a Sense of Place

C2	Safeguarding Community Facilities
C3	Provision of Open Space
C4	Provision of Children's Play Space
T2	Parking Standards
T5	Cycle Parking
CC2	Sustainable Design and Construction
HE1	Heritage Assets

Core Strategy Review Submission draft (2019)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies in this emerging Development Plan are considered to have some weight in the determination of this application:

SS1	District Spatial Strategy
SS2	Housing and Economy Growth
SS3	Place-Shaping and Sustainable Settlements
SS5	District Infrastructure Planning
SS10	Spatial Strategy for Folkestone Seafront
CSD1	Balanced Neighbourhoods
CSD2	District Residential Needs
CSD5	Water Efficiency

National Planning Policy Framework (NPPF) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise (Paragraph 47, NPPF). A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

6.6 Paragraph 38 of the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicant to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

6.7 The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 7 – Ensuring the Vitality of Town Centres

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Natural Environment

Viability

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive places.

Paragraph 53 'Well designed places are visually attractive and aim to delight their occupants and passers-by'.

7 APPRAISAL

7.1 In light of the above, the main issues for consideration are:

- a) The Principle of Development and Sustainability
- b) Restoration/ benefits of the proposal to the Listed Building
- c) Contribution to climate change
- d) Design/Layout/Visual Amenity
- e) Heritage
- f) Residential Amenity

- g) Highways
- h) Proposed Community Use
- i) Viability
- j) Ecology
- k) Other Matters

a) Principle of Development and Sustainability

- 7.2 The application site is previously developed land in located within the town centre of Folkestone, in a highly sustainable location within easy walking distance of public transport and close by to local amenities.
- 7.3 Policy CSD6 of the Core Strategy 2013 outlines the Council's strategy for central Folkestone and states that within the Central/West Development Arc, residential development may be supported, provided it delivers genuinely mixed use development or it enables the full commercial potential of the area to be realised. In line with this policy, the proposal presents a genuine mixed-use development scheme. There are no emerging local policies that set out a different objective for this area.
- 7.4 While the PPLP is still an emerging document, as set out above, it has been through a formal review by the Local Plan Inspector and at this advanced stage of the adoption process it can be given significant weight in the determination of applications.
- 7.5 The NPPF highlighted that Councils should ensure an adequate supply of housing land is provided within the development plans with the use of windfall sites within sustainable locations being encouraged to help meet targets. It is considered that proposals would also contribute towards the Council's five-year housing land supply requirement, as set by the NPPF. Ensuring that development remains focussed in sustainable locations as set out in the Development Plan and NPPF.
- 7.6 The current car parks are private commercial interests not within the control of the Council. As such their use could cease at any time, without prior agreement of the Council, as such the loss of the car parking spaces is not considered a material consideration in the determination of the application. Nonetheless the Council in granting previous approvals on this site has accepted that this is suitable for redevelopment.
- 7.7 In light of the above it is considered that the redevelopment of this site is acceptable in principle subject to other important material planning considerations, which are discussed below.

b) Restoration / benefits of the proposal to the Listed Building

- 7.8 Integral to the proposal is the proposed renovation of the Leas Pavilion, which is a Grade II listed building. This being the case the setting of the Leas Pavilion is integral to the proposed design. The proposed building wraps around the low-lying Pavilion so as not to overwhelm it, leaving the frontage open to The Leas. In many ways this echoes the development that originally flanked the pavilion when it was inserted between two terraces.
- 7.9 A key feature of the development and the long-term maintenance strategy of the Pavilion itself is that The Pavilion would become the main entrance to the residential element and it would also serve as the main communal area of the development. As a result not only is the repair of the Pavilion necessary to benefit from the residential development but also the tenant charges would ensure the long-term financial stability of the building for future generations.
- 7.10 As is well documented, the building has not been used for a number of years and the fabric of the building is deteriorating. Acknowledging this and the importance of the building in Folkestone's townscape/urban fabric, the Council has issued a Repairs Notice on the current owner – this is being held in abeyance while this application is being considered.
- 7.11 There are tangible social benefits from this proposal in terms of the restoration and long term future of the building. They can be summarised as follows:
- The incorporation of the building as the entrance to the residential element, thus securing the long term maintenance and upkeep of the building;
 - The main hall of the lower floor will be provided with flexible seating and staging so that a variety of different performances and functions can be held in the space. Existing rooms and spaces around this area would be used for ancillary purposes, including a cloakroom and concierge;
 - The extent of the public/community use will be established in a S106 Planning Agreement;
 - Space would be provided for the storage and display of Leas Pavilion archives;
 - The detailed restoration includes the restoration and stabilisation of the terracotta facing, the restoration of the Art Nouveau stained glass window on the front façade, the removal of the metal veranda across the front elevation, which was not part of the original building and the resurfacing of the front courtyard with an appropriate material.
- 7.12 It is considered that these benefits are significant material considerations in the determination of the application and have be taken into account accordingly.

c) Contribution to Climate Change

7.13 The applicant has submitted a detailed energy strategy with this application, which sets out the aim to provide a sustainable development, and in doing so would be following widely used practices, as originally set out within the London Plan. These seeks to incorporate the following measures which are summarised as being lean, by reducing energy use through the form of the building and means of construction, being clean by using decentralised energy sources and being green by using suitable renewable or low carbon technologies.

7.14 To this end, the following measure have been incorporated:

- Generous floor to ceiling heights to help optimise daylight penetration into the building;
- Dual aspect glazing in each unit (where possible).
- High efficiency LED lighting throughout the development.
- Energy meters installed in each unit.
- High levels of insulation and the use of heating with efficient heating pumps.
- Hot water/heating combination.

7.15 Because of the ‘fabric first’ approach taken by the applicant, much of the efficiencies can be delivered without the need for ‘bolt on’ features such as PV cells, which themselves would impact upon the appearance of the building. This fabric first approach would seek to be significantly more efficient than that required by the current Building Regulations, which would further future proof the building. This approach aligns with the requirements of Policy CC1 of the Places and Policies Local Plan which requires a 10% reduction in carbon emissions (over and above Building Regulations).

7.16 These features would ensure that that building would be of a high standard of design with regards to energy efficiency, exceeding the requirements of the Building Regulations and adhering to Local Plan Policy.

d) Design and Impact on Locality



Figure 11 -. Historic building form of site

- 7.17 The Leas, as part of a master planned expansion of Folkestone has a strong tradition and history of grand architectural scale along its length. This is evidenced by the retained period architecture stretching from the Bayle to the Imperial. The more recent lower scale units, constructed post war, are in scale and layout somewhat out of character with the wider historical character of the area. The proposal has taken the historical origins of the site itself and the remaining traditional scale and layout as its inspiration, and officers support this approach.
- 7.18 The application site is no different, with the car parks on either flank of the Pavilion building being the site of former 4/5 storey terraces presenting two end-on pavilions to The Leas. The Leas Pavilion itself was originally a garden space to the terraces either side, and is the driving reason for the Pavilion being sunk into the ground. Figure 9 (below) is an image of the former buildings on this site. In this regard it can be seen that the current proposals take direct inspiration from the former buildings on this site, with the new apartments also presenting two slender elements to the street.
- 7.19 The applicant has demonstrated through the Design & Access Statement that their contemporary proposal has taken direct reference from both the previous buildings on the site, the wider area and some an art deco approach commonly found in seaside towns but also in previous applications. This approach is considered appropriate and acceptable.
- 7.20 Development Plan Policy highlights the Folkestone Bayle and Leas Conservation Area (within which the site sits) to be an area where there should be the focus of preservation and importantly in this case enhancements.
- 7.21 Development should be of very high-quality design that contributes to and improves the existing character and townscape of the area, seeks to support opportunities (through the re-use of land/buildings) for cultural and educational uses, as well as providing for visitor attractions within the arc (albeit within the Seafront/Creative Quarter Enterprise Zone).
- 7.22 This site sits in the Central/Western Development Arc, which is an important consideration (in terms of design) in the determination of the planning application.
- 7.23 The NPPF is also clear that local planning authorities should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to the local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate mix of development.

7.24 The application site is in a highly prominent location on The Leas, facing the sea, and it is also just a short walk from the main commercial/retail area of the town. As such, it is in a busy location, and development on this site would be viewed by a significant number of people, residents and visitors to the town alike, and from a number of different views. In addition, the site contains the Leas Pavilion, an important Grade II listed building, in which there is significant local and national interest. With this in mind, any development here should be of the highest standard of design quality, which incorporates the listed building thus preserving the fabric of the building and ensuring its longevity.

Scale

7.25 Significant representations have been made to this proposal raising concern with regards to the scale of this building, and in particular the height of the building. Given the above, careful consideration has been given as to whether a building of this scale can fit comfortably within the site, without harm to the listed building, and the surrounding area.

7.26 It is acknowledged that this is a building of some scale and it will result in a significant change to this part of the seafront, but development on the sea front is often of significant scale. The open space towards the sea calls for a sense of scale in the built form and has resulted in large hotels and apartment buildings being constructed along many seafront locations in the UK – Folkestone is no exception. Along the Leas, there are large scale buildings such as the Metropole Hotel, the Grand Hotel and Clifton Crescent, lying to the west of the site, as well as more recent additions such as No. 1 The Leas to the east, and the Grand Burstin Hotel at the harbour. There is a strong linear frontage to the Leas and the addition of a further building of significant scale in this location is not in itself contrary to the form and character of the wider area.



Figure 12 - proposed building seen from the Leas between Priors Leas and Whitecliffs

- 7.27 In the immediate vicinity of the site, Priors Lees and Whitecliffs, which are the adjoining properties, are both four-storey, similarly designed flat blocks which step back from the front of the site as they increase in height. No. 1 The Leas is on the other side of Priors Lees and this is ten-storeys in height. The buildings that originally occupied the two surface car parks on either side of the Leas Pavilion were 5/6 storeys in height and were typical solid Victorian buildings, so development on the site until the 1990s when those buildings were destroyed, was of some scale.
- 7.28 The current gap in the built form at this point along the Leas appears somewhat incongruous, but it was not always so. As set out above, the Leas Pavilion was historically framed by the Longford Hotel to the east, which was a substantial 5/6 storey building, and another four-storey hotel to the west. In 1995, both those buildings were demolished and were replaced with the surface car parks that exist now. The Leas Pavilion is single storey at ground level (and sunken), with steps leading downstairs to the building. A quirky and much-loved building in Folkestone, it has had a colourful history with a number of uses over the years since it was originally built in 1902 as an Edwardian tearoom. It finally closed in 2010, since when it has been vacant.
- 7.29 This proposal openly acknowledges the previous built form on the site and incorporate elements of it in a contemporary form. It is considered that the development has been carefully and sensitively designed to ensure that rather than overwhelming the low lying listed building, the development would wrap around it. From the front, the building would be relatively light weight in appearance, with significant amounts of glazing. The two wings, which are each five storeys, are splayed from the back to the front with curved, elegant, matching frontages, the splay design giving prominence to the Leas Pavilion and retaining its presence on the Leas. These wings are an obvious nod to the previous built form on the site.
- 7.30 Above the fifth storey, the floors step back from the front and sides (when viewed from the front), thus reducing the scale and massing of the building at this point, particularly from eye level on The Leas. A parapet to the sixth floor serves to “cap” the lower floors and the upper floors have a thinner profile roof overhang which makes them less prominent.
- 7.31 This ‘stepping back’ of the building reduces the perception of bulk, particularly when viewed along the Leas and from the site frontage, as well as from each flank. Whilst the plans submitted show each elevation as a ‘flat’ image, there would be few vantage points from where the overall height of the building would be noticeable, because of this stepped design. It is not considered that the overall height of the building would be apparent when viewed from Longford Terrace or from Cheriton Place – because of the proximity that any pedestrian or motorist would be to the building itself. Views of the upper floors would be

more visible if stood in Longford Way, but here this would be seen less in the context of other buildings (as one would be looking in a seaward direction).

- 7.32 It is acknowledged that there is an increase in height between the proposed property and Longford Terrace. However, for the reasons set out above, views of this would be limited and in any event it is common within town centre locations to see relatively abrupt changes in roof heights – especially in areas where the natural land level slopes as on this site. As such, it is considered that this relationship is acceptable in terms of visual impact.
- 7.33 In summary, it is considered that this seafront site can accommodate a building of significant height, subject to the high standard of design, detailing and materials which is demonstrated in this proposal.

Detailed Design

- 7.34 During the course of the consideration of the proposals, the applicants have engaged with members of the public, interest groups and officers. During this process the design has been amended and refined to seek to address concerns raised.
- 7.35 These amendments have sought to ensure that the development incorporates features that respond positively to the prevailing character and appearance of the locality. In particular it was considered important that the front elevation of the building incorporated more solidity and have a greater sense of verticality and visual interest. In addition to this, it is considered that this verticality reflects the character of the vertically biased traditional seafront architecture.
- 7.36 Verticality is a feature seen in much of the Georgian and Victorian architecture of the locality (if not the more recent additions) and it was considered important that this building incorporated an acknowledgement of this form. It is considered that this has been achieved successfully, with the solid stone elements drawing the eye from ground floor to the upper floors, and contrasting with the strong horizontal emphasis created by the fenestration and balconies that run along this elevation. Without this vertical form, it was considered that the building would have an overpowering horizontal emphasis, and this lack of articulation would have been to the detriment to the character of the area. It would also have failed to acknowledge the previous built form on the site, which itself had a strong vertical emphasis.
- 7.37 It was also considered necessary to seek more verticality on the side elevations of the building – and to ensure that the rhythm of the elevation responded to the context in which they would be viewed. The applicant has therefore significantly amended the elevations to have greater solidity, as well as projecting elements, that draw direct reference to the historic bay windows – as seen along Longford Terrace.

- 7.38 It is considered that this has been successfully achieved, with the quality of the architecture along these elevations of a high standard. The use of curved glass as well as stone panelling would provide a contrast with the level of glazing seen upon the front elevation, thereby creating a different character to the building within the tighter grain of development along both Cheriton Place and Longford Terrace.
- 7.39 It is therefore considered that the design of the proposal has evolved to ensure that the proportions of the building would be appropriate, with both a good level of glazing, but with elements of the traditional form of the locality incorporated.
- 7.40 In addition to the proportions of the building and its fenestration, it was considered important that a building of this scale be detailed appropriately so that it did not appear as overbearing, or lack delicacy. Initial proposals have been amended to include sliding horizontal metal louvres to add layering to the front façade, and to also reduce solar gain. These features would then, in turn contrast with the upper floors of the building (where they are not provided), creating division, and ensuring that the building is split into three distinct parts – base, middle and top. The design of building with this form can be seen at the nearby Metropole and Grand (former) Hotels.
- 7.41 A strong base to the building is created with the provision of a terracotta plinth to help anchor the development and tie it visually to the pavilion itself. This plinth extends around the ground floor of the building at a similar level to the Leas Pavilion pier, which ties in with the terracotta of the Leas Pavilion and provides a solidity in design terms that contrasts with the lightweight materials of the floors above. It also serves to give ground floor residents some privacy and the set back of the building on the plinth allows for landscaping on top of the plinth which softens the appearance at the same time as marking the distinction between the public areas around the building and the private residential areas of the ground floor flats.
- 7.42 Significant discussions have taken place with regards to this plinth, and how it would be finished as it would be at the eye level of those moving past the site. It is intended that this be a contemporary finish that would contrast with the more detailed terracotta finish of the Leas Pavilion. It is considered that seeking to replicate the existing finish would result in an overly fussy appearance that would be to the detriment of the reading and appreciation of the existing building. Nevertheless, to ensure a suitable quality of finish, it is recommended that conditions be imposed to agree the specific details of the size and shape of the panelling.
- 7.43 It is considered that the provision of this plinth creates a suitable base to the building, which would ‘wrap’ around all four sides.

- 7.44 In terms of the 'middle of the building' this is the most detailed element of the development, and as touched upon, is effectively the first five-storeys of the building. This is the element of the building that incorporates the louvres, the zinc edging for the balconies, and the recesses and projections along the side elevations. All of these elements made these floor distinct from the base below, and the tiered development above – which itself is more lightweight in character.
- 7.45 Indeed, the design seeks to downplay the top four storeys, by stepping them in from the front and side of the building, so from the Leas, the eye is drawn to the first five storeys. The parapet to the sixth floor “caps” this element of the building and reinforces this.
- 7.46 The projections and recesses within each flank elevation provide a rhythm to the side elevations of the building, and reflect the bays of the more traditional Victorian buildings within the seafront area. As designed, they also give greater privacy to the residents, particularly those of the ground floor flats. This is considered to be an important feature of the development, and one that responds positively to the prevailing character of the locality. The architect has used both the projections with a palette of materials that create a strong sense of rhythm and articulation along each flank, providing variety and interest.
- 7.47 The rear elevation of the building is less detailed and more utilitarian, but that is not uncommon, particularly in seaside locations where the grandeur and detailing was concentrated on the front elevations visible to the public. Whilst the rear elevation is visible in Cheriton Place, there is a confluence of rear elevations here from existing properties in Sandgate Road, the Leas and Longford Terrace. It is also the access to the service yards of Iceland and as such has a more functional character than the front of the site. The design reflects this character, albeit with an elevation that is still suitably punctuated with fenestration and with a use of materials that responds to the locality.
- 7.48 One of the entrances to the underground parking is to be provided on this elevation, which reinforces its more functional character. This access would be provided with a roller shutter for security purposes. The vehicular access here simple, with no detailing proposed, but this is considered acceptable, as it would be in keeping with this relatively simple elevation.
- 7.49 This proposal is unashamedly contemporary, which is encouraged by Officers for the opportunity it represents to add to Folkestone rich townscape. It is considered that the proposals represent a thoughtful design solution to deliver a building of significant scale. Whilst at face value the building may appear very simple each elevation of the building has been carefully designed, with individual design responses, which ensure that the building can sit comfortably within its surrounds. The proposal incorporates a strong level of detailing which would ensure that the proposed elevational treatment would be of a high quality, responding in turn to many of the more traditional buildings along The Leas.

Summary

- 7.50 There is no doubt that this is a building of some scale. To give this some context however, a seven storey building has been approved on this site, which should be taken into consideration, as should the height and form of the development that sat either side of the Leas Pavilion historically. The proposed design of this building is such that the top four storeys are downplayed visually in terms of the set-back from the edges of the building and the more lightweight design and materials, such that it is the main five storeys of the building that the eye is drawn to. The design has been refined such that the two wings of the building form an elegant vertical frame to the Leas Pavilion, which sits at the centre. The plinth forms a solid base on which the building sits, which wraps around all four walls of the building and which reflects in a more contemporary interpretation, the materials of the Leas Pavilion. The Leas Pavilion would be restored and an on-going and long term use for the residents and the community is incorporated into the design. In order to ensure the high standard of design as proposed, the detailed quality of the design and materials to be used will be controlled by condition. On balance and taking all of these matters into consideration, it is considered that the quality of the proposal and the restoration of the Leas Pavilion makes the proposal acceptable.

c) Heritage

- 7.51 The NPPF provides specific guidance in terms of how applications that impact heritage assets should be considered. Paragraph 189 states that:

‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’

- 7.52 Whilst this building has been designated as ‘Grade II’ in terms of significance, because of its previous use, and relative rarity makes it of particular interest to a number of groups and the wider community. This is highlighted by the Repairs Notice issued on the building, demonstrating the great importance of this local asset. The applicants have therefore submitted a Heritage Statement with the application which sets out why they believe the proposal to be acceptable, and indeed to bring about positive change.

- 7.28 In addition, the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. To this end, the Council has engaged with Historic England as well as their own Conservation Advisor to assist in the pre-application discussions, and the assessment of the planning application.

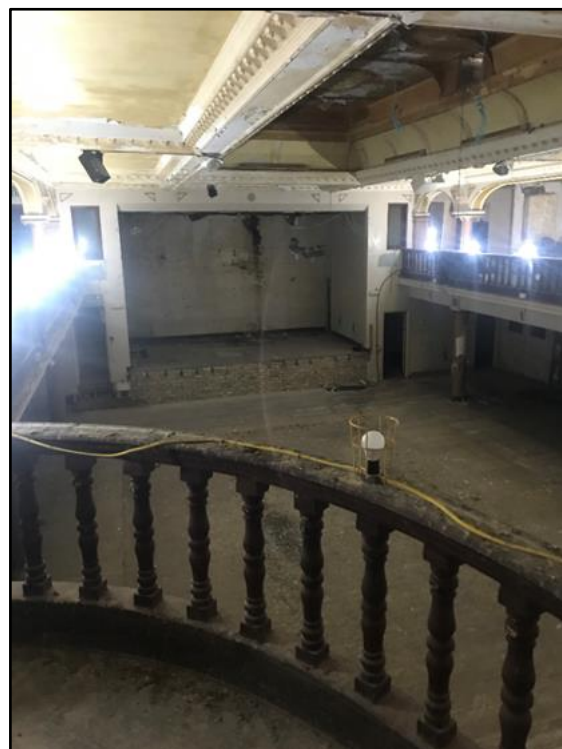
7.29 When determining planning application, the NPPF requires that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

7.30 Great weight should be afforded to the asset's conservation (and the more important the asset, the greater the weight should be). It is then for the local planning authority to consider the level of harm (if any) that the proposal would bring about and for justification to be provided accordingly. An assessment is required to consider whether the proposal would bring about total loss of the asset, substantial harm or less than substantial harm. To make this assessment, Officers (and Members) should consider the submissions made, and the responses provided by all statutory consultees, to then form their own judgement.

7.31 The applicant's assessment of significance states that the building is a relatively rare example of a purpose-built Edwardian high-class tearoom and from this clear historic illustrative value is derived. The building has important links to early 20th century popular entertainment and also provides a poignant evocation of troops departing for France in World War I.

7.32 Furthermore, externally, the entrance front of the building is of special architectural merit for its high-quality moulded terracotta work, ironwork grilles and for its Art Nouveau style stained glass. The moulded terracotta



is understood to have been sourced from the Doulton Company and the veranda is a later addition. The way that the building is of limited height, partly located beneath the pavement level, is of interest and derives from historic rights of light issues associated with the hotels which historically flanked the building.

- 7.33 The report identifies that, externally, the other walls are much less remarkable, and are of less merit.
- 7.34 Internally, while in a poor state of repair with some particularly deteriorated areas, the building retains much of its original detailing and is of particular significance. In particular, the plan form of the former tea room survives broadly intact in comparison to the original plans of the building. In addition to the plan form much of the original detailing of the building survives intact. While undergoing minor alterations as part of the 1928 theatre conversion much of the original tea room detailing, including the imperial staircase, galleries sprung timber floor and decorative plaster ceiling, survive. One of the biggest changes undertaken to the interior relates to the introduction of a stage at the far end of the building. Historically, the gallery connected around this end of the building at the upper level providing space for the orchestra and vocalist. The loss of this part of the building and subsequent introduction of a stage has had an effect on the authenticity of the former tea room but demonstrates the way in which the building has adapted and evolved over time. This proposal seeks to remove the stage, and re-instate the original form of the building.
- 7.35 The report concludes by stating that overall, the grade II listed Leas Pavilion is an important Edwardian seaside building, which derives its significance from a combination of its historic and architectural values. It compares in interest with the later Leas Cliff Hall and Pulhamite Caves (both grade II listed) and has group value with the nearby grade II* Leas Lift part of which was designed by the same architect.
- 7.36 The site also lies within the Folkestone Conservation Area – which itself is of a significant scale. The Heritage Assessment identifies a variety of different character areas within the Conservation Area, with this site falling within part of Folkestone’s grand recreational promenade. It is a well-used historic open space which possesses dramatic views along it and out to sea. This summarises that the application site, as an Edwardian tea room and important element of early 20th century recreational activity in Folkestone makes a strong positive contribution to the Folkestone Conservation Area, particularly the West End of Folkestone and The Leas Character Areas. Key views and vistas within the conservation area which take in the site include numerous important views from and along The Leas and the view from the beach looking back on the town above.

- 7.37 In terms of nearby listed buildings, the Heritage Assessment states that the structure most impacted by this proposal is the Grade II* Leas Lift. The asset is a cliff funicular railway that was built in 1885 for the Folkestone Lift Company by Messrs Waygood and Co and operated by a water balance system. The listed building includes waiting rooms, a pump room (added in 1890), the track and cars, brake houses, boundary railings and lift machinery. This structure has an element of group value with the Leas Pavilion – providing a relatively direct form of access from the building down to the seafront.
- 7.38 There are other listed buildings within the locality, although none are considered to be directly impact as a result of this proposal – certainly causing no impact upon the individual buildings or their setting. The assessment should therefore be made in terms of the impact upon the lift (and its setting).
- 7.39 In terms of the impact upon the Leas Pavilion, the applicant’s submission contends that careful consideration has been paid to how to best reveal the asset, both physically in terms of the design of the new residential units and in terms of how the asset is used. The Leas Pavilion is a building identified as being ‘at risk’ and as such the potential for its restoration, and maintenance thereafter is considered a significant benefit of this proposal.
- 7.40 The applicant has submitted a detailed listed building application (as well as providing detailed costings for undertaking the improvement works) which demonstrate to the Council that the proposal would be a sympathetic alteration, and repair of this important building. It is therefore considered that significant weight should be afforded to the fact that these works are to be completed, when assessing the application in its entirety.
- 7.41 Historic England has assessed the proposals and have provided detailed comments with regards to their acceptability. They are satisfied that the proposals for the interior and exterior of the listed building would enhance the building’s significance, and would therefore meet the objection of paragraph 192 (a). Historic England would however like to see more investigation works undertaken with regards to the rooflight – to ensure that this is treated appropriately – this would be secured by condition – an approach that Historic England have endorsed.
- 7.42 The internal alterations would require the delivery of two new cores on either side of the building that would provide a link from the Pavilion to the new build element. These would have an impact on the significance in terms of the loss of some historic fabric, the physical intrusion into the historic space (which would be particularly evident at the lower levels) and a change in the way the circulation and function of the building is understood.
- 7.43 Given that these intrusions are relatively limited and are within parts of the building whereby public access has been limited for a number of years, it is

concluded that they would cause less than substantial harm, and as such the benefits of the scheme need to be weighed against any harm.

- 7.44 In summary it is concluded that the significant benefits outweigh any less than substantial harm brought about by any of the proposed internal works. The proposed development would bring about significant repairs to the grade II listed building, bringing it back into sustainable use in fact they are inextricably linked.
- 7.45 This would see the building once again available for community use, and for the first time allowing access for people with disabilities. The development would also result in direct and indirect economic and environmental benefits for Folkestone. The submission indicates that this is likely to result in 209 direct construction jobs, and 203 indirect jobs, as well as an additional £225,000 a year in Council Tax revenues for the Local Authority. New Homes Bonus would also total £159,000 for the Council.
- 7.46 Concerning the impact upon the listed Lift (opposite the site) it is considered that the re-introduction of a building of this form would sit comfortably with this listed structure, resulting in an overall benefit to its setting.
- 7.47 With regard to the new building, Historic England have made the following comments:

'We do think the development causes a low level of harm to the grade II listed Leas Pavilion which historically had no near development directly to its north, the spaciousness here thus giving some added prominence in the streetscape to its semi-subterranean forecourt and principal elevation, and we think this will be compromised to a limited degree by the scale and proximity of the new development, especially the northern range. At the same time, removing unattractive surface car parking to the east and west of the pavilion is a positive change. We do not necessarily think a building of this scale in itself causes harm to its significance of the Folkestone conservation area which is characterised by terracing of a homogenous scale punctuated by larger buildings on the Leas.'

- 7.48 Officers concur with this view, and believe that the loss of the car parks would improve the setting of this listed building. At present the car parks are unsightly and the parking of vehicles on this land does not replicate nor relate to any historic use of the building. The re-introduction of built form on this site would be more appropriate when considering its historic context.
- 7.49 Furthermore, we agree that the scale of the building in itself would cause less than substantial harm to the listed building and its setting. The shape of the new building would respond to the more historic form of the site, and whilst this would 'bridge' the Pavilion, and be larger than any historic building on the site, it is considered that the use of lighter materials, and the stepping back of the higher levels would ensure that the listed building remains a key focal point of the site.

- 7.50 In terms of the impact upon the (Folkestone) Conservation Area, whilst the proposal would have an impact through an increase in built form, this is not considered to result in any harm to its significance. This is due to the fact that there have historically been significant buildings on this site – the site now appears as the anomaly within the street scene with unattractive car parks, and an obvious gap in the built-up street scene which both detract from the significance of the Conservation Area.
- 7.51 Furthermore, the building would be of a high standard of design, and would make a positive contribution to the eclectic mix of properties within the immediate vicinity of the site. The inclusion of scale within the Conservation Area is not without precedent and (subject to the imposition of suitable conditions) it is considered the proposal would enhance the character of the area.
- 7.52 In summary, the proposal would bring about a number of benefits that are considered to outweigh the less than substantial harm caused by any internal alterations and the new build element. These are:
- The provision of a viable long term use for the grade II listed building which would secure its future, remove risk and halt any further deterioration;
 - The restoration of building which is currently in a particularly poor state of repair having been empty for a number of years. These restoration works amount to an enhancement to the significance of the building (specifically its architectural and historic interest) and include:
 - (a) The removal of modern, detracting features;
 - (b) The retention and reuse of key internal and features of heritage value;
 - (c) The repair of deteriorated fabric (including the important terracotta frontage) and interior detailing; and
 - (d) The reinstatement of lost elements including the gallery and colonnade to the rear of the building where a later stage is currently located.
 - The introduction of a community use which would better reveal the listed building, allowing it to be accessed by the public;
 - The removal of the poor quality and detracting car parks with the expanse of hardstanding and reinstatement of a strong frontage to The Leas;
 - The introduction of built form located in close proximity to the listed building, reflecting the historic form within the locality; and
 - The enhancement of group value between the Leas Lift and Leas Pavilion;

7.53 Given the above, it is considered that the development is acceptable in terms of the impact upon the heritage assets, namely the Leas Pavilion, the Lift and the Conservation Area, and as such, the proposal complies with both local policy and nation guidance.

d) Residential Amenity

7.54 Saved Policy SD1 of the Local Plan Review and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and to future occupiers of a development. Emerging policy HB1 of the Places and Policies Local Plan (PPLP) states that development should not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.

7.55 Likewise, paragraph 127 of the NPPF requires for decisions to ensure that there is a high standard of amenity for existing and future occupiers impacted by any development.

7.56 The proposal would adjoin the existing flats within Longford Terrace, and given the scale of the building proposed, it would be significantly taller. At pre-application stage officers highlighted this as a potential issue and as a result the applicant commissioned a Sunlight and Daylight analysis to assess the impact.

7.57 The Sunlight and Daylight Assessment demonstrates the impact on each unit within this neighbouring property. The report identifies eleven properties as 'sensitive receptors' and for each property the habitable rooms were assessed.

7.58 The Assessment uses the criteria prescribed by the BRE guidelines, and it has been shown that there would be a reduction in the daylight to some of these properties. The properties at 4 and 5 Longford Terrace are those most affected by the proposal, however the report states that with regards to the daylight tests, as the existing site is clear (or low rise) then there would be more daylight than one would normally expect within an urban/town centre location. As such, the impacts appear greater than would otherwise be expected.

7.59 Importantly, the report concludes that there whilst there would be a level of change, and therefore in discrete areas a very limited level of harm, the change would not result in unacceptable or harmful living conditions. The affected windows in Longford Terrace are bedrooms and not living rooms, and the units are double aspect so the living space would not be affected

7.60 A material consideration on this issue is the permission previously granted (ref: 08/1212/SH) which permitted a building that would have had a similar impact

upon this property. Whilst this permission is no longer extant, it remains, nevertheless a material consideration.

- 7.61 The previous report to Members acknowledged the impact of that proposal would have an impact upon these properties but that on balance the application should still be approved.
- 7.62 Guidance provided within the NPPF states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The question is therefore whether the impact would result in an unacceptable standard of accommodation for the existing residents of the properties in Longford Terrace.
- 7.63 It is considered, on balance, that the residents of these properties would still have an acceptable standard of living, as there would still be a sense of outlook from the flats (the building only being on one side of them – with a relatively open outlook in the other direction). Whilst the level of daylight would be impacted, the BRE assessment indicates that all neighbouring units would retained an acceptable level of sunlight throughout the year.
- 7.64 As stated above, in a town centre location such as this, it is unusual for there to be no built development in this location, and indeed until the 1990s, there was substantial development in this position. As such, the current situation is something of an anomaly.
- 7.65 The impact on all other existing properties within the vicinity has also been considered, including the flats at No.1 The Leas, Priors Leas and Whitecliffs the flatted development on either side of the Leas (Playdell Gardens and Longford Terrace), and the properties to the rear of the site in Longford Way. Due to the location of this development, and its orientation it is not considered that there would be any mutual overlooking, any creation of a sense of enclosure or loss of sunlight/daylight to these properties. There would undoubtedly be a change in outlook, particularly for the residents of No 1 the Leas, but this in itself is not a ground to refuse.

Open Space

- 7.66 Policy C3 of the Places and Policies Local Plan sets out the Council's requirements for the provision of open space, and sets out the formula for providing commuted sums should the open space not be delivered on site. For this development, there would be a commuted sum of £114,027.30 to be made enhancements to be made to local facilities – where possible close to the site. In this instance, because of the viability of the development (as explained within the report) it is not possible for these contributions to be made. However, it is important to note that the site lies opposite a large open space on the Leas cliff

top, as well as the Lower Leas Coastal Park, which contains an amphitheatre, the south east's larger free adventure playground, picnic area, and a café. As such, it is not considered that the area has a deficit of open space provision.

- 7.67 In addition to these contributions, Policy C4 of the aforementioned Plan would require for contributions of £65,764 to made make to enhance play facilities within the locality. Again, the viability of the scheme would not allow for such a provision to be made. As set out above, the site is close by to a high quality children's play area and as such it is not considered that there would be a deficit of such a provision nearby to the site.
- 7.68 For the reasons set out above, it is considered that the proposal complies with both the requirements of national guidance and local policy and is, on balance, acceptable.

e) Highways

- 7.69 The NPPF seeks to ensure that developments should be located within sustainable locations, to ensure that the reliance upon the private motor car is reduced where possible. Paragraph 109 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.70 This then follows on by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.71 Policy T1 of the Places and Policies Local Plan reinforces the importance of ensuring that the hierarchy of any development puts pedestrians first and private motor vehicles last. Here, the main access into the site is pedestrian (and cycle) only, with the vehicle accesses more subordinate and located to the rear and side of the development.
- 7.72 Within the Council's adopted Local Plan, Policy TR12 has been saved, and this requires for new development, redevelopment or a change of use to only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards. In this instance these polices are considered out of date and reference should be made

to emerging Policy T2 within the Places and Policy Local Plan, which states that in central locations where on-street controls exist the car parking standards refer to a maximum of 1 space per dwelling. This proposal would provide for 0.7 spaces per dwellings which this accords with the maximum car parking standards within the Council's adopted SPD and each unit is to be provided with an electric vehicle charging point. As a result the level of parking is considered appropriate and in accordance with sustainability principles.

- 7.73 In response to concerns raised by local residents the application has been significantly amended since the point of submission, with the inclusion of an additional level of car parking (which would be provided underground), served by a lift that would operate from the lower ground floor car park (on either side), to address a perceived lack of parking. As this remains below the 1 per unit maximum and has no negative impacts on the street scene officers are satisfied with the amendments.
- 7.74 It is important to note that no objections were raised on the amount of parking provision by Kent County Council as the highway authority, as the site lies within the town centre, close by to a number of amenities, where the adopted parking standards only seek a maximum provision (rather than a minimum). The change to the plans was an amendment put forward by the applicant.
- 7.75 Initially concern was raised by the Highways Authority on the basis that the proposal did not have a safe means of access into and out of the building – with a likelihood that cars entering the site would not have sufficient visibility to see cars exiting – causing a potential safety issue. The plans have therefore been amended, with the access into the building now considered to be acceptable in highway safety terms.
- 7.76 Each access is to be provided with a roller shutter in order to provide security. The shutter would be operated by a remote key, which would be operated as the residents enter and leave the site. The roller shutter along Longford Way would be up against the highway, which would result in cars waiting for the shutters to open before entry. Because of the relatively lightly trafficked nature of this area, this is not considered to give rise to a highway safety concern. Along Longford Terrace, the roller shutters are to be provided at the bottom of the access ramp, which would enable a car to wait off street before entering.
- 7.77 Given the above, both access points are now considered to be safe and to therefore be acceptable.
- 7.78 A number of local residents have expressed concern with regard to the perceived lack of car parking, given the existing Traffic Regulation Orders (TRO) within the area, it is considered unlikely that any overspill car parking would not occur on street, ensuring that highway safety would not be compromised.

- 7.79 The site is located in a highly sustainable location, close to the town centre with excellent public transport links. The site is less than 1km from Folkestone Central train station (approximately 13 minute walk), as well as 400m from Folkestone bus station. It is therefore likely that many occupiers may well choose not to own a car. That would be a decision they factor in when deciding whether to purchase one of the flats.
- 7.80 It is proposed that a change in surface material be provided to the front of the Leas Pavilion. This would act as a traffic calming measure and would provide a high-quality surface to the front of the building, reinforcing its importance within the street scene.
- 7.81 Concern has been raised by some residents with regards to the loss of the existing car parking provision. These are private car parks, and as such the Council currently have no control over their long-term use.
- 7.82 In terms of highways safety, car parking and sustainability, it is considered that the applicant has worked closely with the Highways Authority and Officers to propose a development that would be safe in terms of access and egress from the site, would provide for sufficient car parking for the future occupiers, and would also encourage the use of bicycles with sufficient, and convenient storage. As such, it is considered that the proposal would comply with both the requirements of the development plan, and the advice provided within the NPPF.

f) Community Use

- 7.83 An important element of this proposal is the refurbishment of the existing Pavilion which would then be made available for community use for up to 100 events a year.
- 7.84 Officers have sought to guarantee the proposed community use aspect of this proposal through thorough negotiations with applicant. The applicant has sought specialist advice from Historic England, who recommended the appointment of a specialist in the long term management of community buildings. This specialist has been involved in discussions between the applicant and the Friends of the Leas. Seeking to ensure that the use is appropriate for the community and can be secured in the long term is a key consideration in the determination of the application.
- 7.85 Officers have negotiated with the applicants to ensure that the 'make up' of the Trust does not solely rely on future residents of the proposal, but includes representatives from the Friends of the Leas Pavilion, a neighbouring resident, and a Council (FHDC) representative. This balance of trustees would ensure that the types of events would not prove unneighbourly, and that the appropriate

efforts are made to ensure the longevity of its use and inclusion within the wider community.

- 7.86 It is considered that the proposed Heads of Terms achieve these aims. Given the importance of this space, not just to the local community, but in respect of the Council foregoing any affordable housing by virtue of it being brought back into use, this should be afforded significant weight in the determination of the application.
- 7.87 A number of representations have been received raising concerns regarding the amount of community access. It is important to highlight that the space is and always has been in private ownership with controlled public access. As such whilst comments relating to the limited level of public access are noted, it is considered that access for 100 days of the year would be sufficient. It is considered that this is the correct 'balance' between allowing for public access and to ensure that the residents of the property have their own use of the facility.
- 7.88 It is therefore proposed that the Heads of Terms provided be referred to in any S106 Agreement signed, to ensure that there is a legal mechanism to enforce them once the scheme is complete. Should this be included, Officers are satisfied that appropriate access would be provided to the public for this important, historic building.

g) Viability

Approaching Viability

- 7.28 Viability assessment is defined by government as a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.
- 7.29 The NPPF sets out that where there are abnormal costs associated with bringing development forward, the applicant is able to submit viability work to demonstrate why certain, usual requirements for affordable housing or S106 cannot be made. At paragraph 57 it states 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'.
- 7.30 It also states that all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

- 7.31 The National Planning Policy Guidance (PPG) also provides guidance on when and how viability appraisals should be approached, both by the applicant and the local planning authority. This states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.
- 7.32 Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent, housing for older people or enabling development for heritage schemes); or where a recession or similar significant economic changes have occurred since the plan was brought into force.
- 7.33 The applicant has provided the Council with a viability appraisal which has been independently assessed to ensure accuracy.
- 7.34 In line with the requirements of the NPPF and PPG, this has been made publicly available (on the Council's website) for public consumption and review.

Viability case

- 7.35 The applicants appraisal demonstrates that whilst it would make the necessary CIL payments to the Council, it would be unviable to provide any S106 contributions, affordable housing, or to make any contributions towards affordable housing elsewhere in the District.
- 7.36 Within the viability assessment submitted, the applicant explains that the costs of improving the Leas Pavilion, which are considered an additional cost over and above that expected of a flatted development, would be approximately £4.5m which would erode any ability to make the otherwise necessary affordable housing contributions (either on site or commuted).
- 7.37 The applicant's submitted appraisals provide two scenarios, both of which include the restoration of the Pavilion and a full CIL payment.
- A. The proposed scheme with the delivery of 26 affordable units
 - B. The proposed scheme with no affordable units

Scenario A

7.38 With 26 affordable units included, the applicant's appraisal shows the development would only provide a profit of 3.25%, which is well below the commercial threshold of 15-20% expected (as set out within the NPPG).

Scenario B

7.39 In the absence of affordable housing, the profit would be 5.99%, which whilst still less than that expected, would be within a range where if economies of scale can be achieved within the development costs, and should the sale of units be phased (with some retained for rental in the first instance), the scheme could be funded and delivered (on a viable basis). The applicant has confirmed this position.

7.40 For this reason, the applicant is not proposing any affordable housing to be delivered within the scheme.

7.41 Policy CSD1 of the Core Strategy requires that new developments of 15 or more units should provide 30% affordable housing on site or through financial contributions which equate (broadly) to the equivalent value off-site. As this development would provide for 91 new residential units, this would ordinarily require the provision of 27 units to be provided as affordable housing.

7.42 It is therefore important to ensure that the information submitted is robust, and stands up to examination. The Council have therefore commissioned its own viability consultant ('Bespoke') to review the submission, with their findings summarised below.

7.43 'Bespoke' have undertaken a review of the submission made and whilst there are some areas of disagreement on build costs and subsequent sales values, there is agreement on the likely profits generated by the development with and without any affordable housing provision made and the existing use value of the site as required by the NPPG.

7.44 Government advice on viability appraisals indicate that a profit margin of 15-20% should be expected, and indeed often required in order to gain access to finance. In this instance, with no affordable housing provision made, the Bespoke appraisals indicate a profit of around 13.5% for the applicant. Should affordable housing be provided then a profit of only 6% could be expected – which would make the development unviable.

7.45 Upon review of the appraisal, Members will note that there is a difference in indicated build costs between the applicant and the Council's consultants of approximately £2m. There is also a variance in sales values of a comparable amount that therefore accounts for the overall agreement in profit for the development.

7.46 It is not uncommon when appraisals are undertaken for there to be areas of disagreement, in terms of build cost, and then sales value. This is a particularly

unique example, where firstly the renovation of the Pavilion goes beyond simple repair, with the works to the terracotta (for example) being highly specialist. Likewise, there is a relative paucity of comparable units for sale (on the new housing market) within the Folkestone area, and the Council's consultants have therefore taken a more cautious view on this matter. The NPPG and RICS guidance requires that all values and costs are current and do not take account of future inflation.

- 7.47 However, the difference in opinion do ultimately provide the same outcome, and as such the Council are satisfied that the report is robust, and complies with the requirements of both the NPPF and the guidance within the NPPG.
- 7.48 As is standard practice on such matters, to ensure that the Local Authority has confidence that with an uplift in sales values, they do not 'miss out' on contributions which were otherwise considered undeliverable, Bespoke has recommended that a review take place of the viability if works have not commenced within two years.
- 7.49 The proposal has been discussed with the applicant, who has raised concerns that this mechanism may result in funding becoming more difficult for the project – an onerous condition. As such, it has been agreed that the period for implementation of the planning permission should be reduced from (the standard) three years to two, in order that the Council can be confident that the submitted viability report can be relied upon.
- 7.50 To this end, should the permission not be implemented, a new planning application would be required, which would then be accompanied by another (up-to-date) viability appraisal at that time.
- 7.51 Comments have been made in relation to the viability of earlier schemes. It is noted that these schemes and their viability are not material considerations due to the differences of the schemes, the passage of time and the associated changes in assumptions. However, for the record, the previous scheme was not considered viable either and the Council, in approving the earlier scheme, agreed to a smaller package of contributions including a lower level of affordable housing. It is also noted that unlike the earlier scheme the current proposal would make a CIL contribution.
- 7.52 To summarise, it is considered that the viability appraisal submitted is robust, and that the findings do demonstrate that it would not be possible to deliver affordable housing or within the property, or as a commuted sum. The proposal therefore accords with both local policy and national guidance, and is acceptable.
- 7.53 The following s106 Heads of Terms are therefore recommended.

Obligation	Trigger	Reg 122 reason:
Requirement to complete all works to the listed building prior to 20% occupation of the flats hereby permitted.	20% of the occupation of the flats permitted.	Weight has been afforded to the improvements to the Grade II listed Pavilion. These works have resulted in the application not being able to provide any affordable housing as required by Local Plan Policy. Without any requirement to complete these works in a timely fashion, the development would fail to address this lack of provision appropriately.

h) Ecology

7.54 The applicant submitted a preliminary ecology report and a specific bat hibernation survey report. The preliminary ecology report identifies that there are no protected species within the site, no ancient woodland, and no habitats or species of any botanical interest. There was the possibility of bats within the building, and as such an additional survey was required to be undertaken to make this assessment.

Bats

7.55 In terms of bats, none were found that there was no evidence of roosts within the building, and as such no additional work was required. No concern is therefore raised on the basis of ecological impact.

i) Other Matters

7.56 The proposal seeks to make the appropriate level of CIL contributions, which would total £551,550 and would be spent within the administrative area on providing the necessary infrastructure to make this development acceptable.

7.57 Emerging policy E8 of the PPLP requires all major development within the district to enable Fibre to the Premises (FTTP). This can be secured by planning condition.

7.58 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This can be secured by planning condition.

Environmental Impact Assessment

7.9 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered

to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.10 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.
- 7.11 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £50 per square metre for new residential floor space.

Human Rights

- 7.12 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.13 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

- 7.14 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this instance, the applicant has engaged with Officers through pre-application discussions and through negotiations since the submission of the planning application.

8. CONCLUSION

- 8.1 This proposal has a number of facets that need to be carefully considered prior to its determination. Clearly, restoring the Leas Pavilion and bringing it back into use for future residents as well as by the community, is a significant benefit of the proposal. For a number of years, the local community has pursued the repair of this important listed building, and Officers are reassured that the lengths the applicant has gone to, in order to engage with the local interest groups, and would ensure that they have continued input into the running of the building.
- 8.2 This is undoubtedly a building of scale, but it is considered that the overall design of the building, including the detailing and the materials, is of a very high standard, which seeks to minimise the overall height. This proposal would be a positive addition to The Leas, and indeed the wider area and would provide high quality accommodation on a brownfield site, in a highly sustainable location. The restoration and on-going use of the Leas Pavilion is central to the concept of the design. These are all benefits of this proposal, and should be afforded significant weight.
- 8.3 It is accepted that the relationship with the properties in Longford Terrace, in terms of the loss of daylight is a change in current circumstance and a building is of a scale that would have some impact upon residential amenity, and there is a contrast between the old and new. However, as explained in the report, the living conditions remain acceptable by empirical measurement and on balance both of these are considered acceptable, once weighed against the benefits of this development. In coming to this conclusion Officers are also mindful of the previous approval which would have had a similar impact on these residents.
- 8.4 The applicant has submitted a full viability report which has been independently assessed by the Council's advisors. The report identifies that due to the abnormal costs of refurbishing the Pavilion, whilst CIL will be payable, there would be no provision available to deliver any affordable housing, or to make any contributions towards it. Planning policy and guidance does allow for this lack of provision where it is simply not affordable to provide for it. The independent analysis of the submitted report (and associated cost plans)

clarifies that this is the position, and as such no provision is being made. Whilst this is unfortunate, it is considered that the social benefits of refurbishment of the Leas Pavilion and incorporating it into the proposed development, both physically and in terms of its future use, outweighs the loss of the provision of affordable housing or S106 contributions in this instance.

- 8.5 Some concern has also been raised with regards to the loss of the existing car parks, and the lack of provision made on site for the new flats. The existing car parks are run by private operators, and there has at no stage been any assumption that they would be retained for this use. The Council have no control over their use as car parks. In terms of the parking provision for the scheme, the proposal accords with the Council's parking standards (which require a maximum provision) and as such no objection is raised either by Kent County Council or by Officers.
- 8.6 In summary, this is a high-quality proposal that would bring about significant benefits to the appearance of the seafront, the listed building and to the wider community. The detailed design of the building mitigates the height and scale and on balance, it is recommended that planning permission be granted, subject to the completion of a suitable S106 Agreement, and the imposition of the conditions set out below.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to a S106 Agreement securing the long-term community use of the Leas Pavilion and the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the S106 Agreement and conditions and any other conditions that he considers necessary.

Conditions:

Standard Conditions

1. The development must be begun within two years of the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and in order to ensure that the development accords with the submitted viability appraisal.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered: 19.098.001; 19.098.002; 19.098.003; 19.098.011; 19.098.012; 19.098.013; 19.098.014; 19.098.015; 19.098.031 REV P1; 19.098.032 REV P2; 19.098.033 REV P3;

19.098.034 REV P3; 19.098.035 REV P2; 19.098.036 REV P1; 19.098.037 REV P1; 19.098.038 REV P1; 19.098.039 REV P1; 19.098.040 REV P1; 19.098.041 REV P1; 19.098.042 REV P1; 19.098.051 REV P2; 19.098.052 REV P2; 19.098.053 REV P2; 19.098.054 REV P3; 19.098.061 REV P1; 19.098.062 REV P1; 19.098 Leas Pavilion D&A v3; 19.098 Addendum to Leas Pavilion D&A v1

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

Design

3. No construction work above the ground floor slab level of any building on site shall take place until samples of the materials to be used in the construction of all of the external surfaces of the buildings hereby permitted 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 the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Notwithstanding the details submitted to date, no development above the ground floor slab level of any building on site shall take place until details (at a scale of 1:10 or 1:20) have been submitted showing the ventilation proposed within the terracotta plinth. Such details shall ensure that suitable ventilation will be made with an appropriate appearance. No development above the ground floor slab level shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory treatment of the listed building and in the interests of visual amenity.

5. Notwithstanding the details submitted to date, the following plans shall be provided showing the details of all following elements (at the appropriate scale set below):
 - a) Details of windows, doors, patio sliding doors and garage entrance doors (including any casing for the roller shutters) to be provided scales 1:1 or 1:2 and 1:10 or 1:20
 - b) Details of the construction of the terracotta plinth element to be provided, including junction with the footway, corners, copings, vent openings, door openings, jams and soffits and elevation arrangement drawings showing the size and spacing of the terracotta panels at a scale of 1:10 or 1:20 with typical part elevation arrangement drawings at a scale of 1:20 or 1:50.

- c) Details of the construction of the terracotta plinth element to be provided, including junction with the footway, corners, copings, door openings, jams and soffits and elevation arrangement drawings showing the size and spacing of the terracotta panels at a scale of 1:10 or 1:20 with typical part elevation arrangement drawings at a scale of 1:20 or 1:50.
- d) Details of the zinc banding along each balcony at a scale of 1:10 or 1:20, and how this will be affixed to the building ensuring a clean finish.

No development above the ground floor slab level of any building on site shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 6. Notwithstanding the details submitted to date, no development above ground floor slab level shall take place until details of the planting troughs and planters to be provided have been submitted to the local planning authority and thereafter approved in writing. No development above ground floor slab level shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 7. No development above the ground floor slab level shall take place until details of the proposed roof covering to the roof of the Leas Pavilion has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 8. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

9. No development above ground floor slab levels shall take place until details of a maintenance programme for maintaining the external appearance of the buildings have been submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

10. No dwelling is to be occupied until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

11. Prior to occupation of the development samples of the hard landscape works (i.e. all pavements and areas of hardstanding throughout the development, including those within the highway) must be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

Highways

12. Prior to the first occupation of any of the permitted dwellings, the visibility splays shown for each access on the submitted plan shall be provided and thereafter maintained with no obstructions over 1.05 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

13. The vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling hereby permitted and shall be retained as such at all times thereafter.

Reason: To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway, safeguard the amenities of adjacent properties and encourage alternative modes of sustainable transport.

14. Full details of secure covered cycle storage provision, demonstrating how each unit will have adequate provision, shall be provided prior to the occupation of any

of the apartments hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority and thereafter retained as such.

Reason: To encourage alternative modes of sustainable transport.

15. Details of electric vehicle (EV) charging points shall be submitted to and approved in writing and installed prior to first occupations of the dwellings hereby permitted and shall thereafter be retained in good working order. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved> -chargepoint-model-list

Reason: To improve the sustainability of the site.

16. No development above ground floor slab level shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Unloading and turning proposals for construction and delivery vehicles
- (c) Provision of wheel washing facilities / clean up from excavation methodology.

Reason: To ensure a suitable means of construction, ensure highway safety and to protect the amenity of neighbouring residents.

17. No development shall take place until details showing proposed highway improvement scheme at site frontage on The Leas has been submitted to and approved in writing by the local planning authority. The highway improvement shall be completed prior to the first occupation of any residential unit. The development shall be carried out in accordance with the approved plans.

Reason: To ensure a high standard of design quality in accordance with the NPPF.

Sustainability

18. The dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/thewater-efficiency-calculator-for-new-dwellings>.

19. Within six months of work commencing details of how the development will encourage biodiversity will be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with details. Details should include the provision of bird boxes where appropriate.

Reason: To encourage biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

20. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory standard of accommodation, in accordance with the requirements of the NPPF.

Residential Amenity

21. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

22. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

23. An acoustic consultant's report, must be carried out and agreed in writing prior to the first occupation of the residential units to calculate the level of sound insulation and mitigation required within the ceiling and floor that separates the residential and commercial unit. The level of insulation, should be sufficient to deal with the

level and character of the sound sources below, and that this will in turn result in acceptable internal noise levels above i.e. BS2833:2014 internal noise levels. It will not cause unreasonable noise nuisance to nearby residential premises.

The consultant must be considered competent with appropriate qualifications in this subject.

Reason: Protect the amenities of future occupiers.

Archaeology

24. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

(a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

25. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

Drainage

26. Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.

Reason: To ensure adequate drainage is provided to all residential units.

27. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and

approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure adequate drainage is provided to all residential units.

Contamination

28. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2019.

INFORMATIVES

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

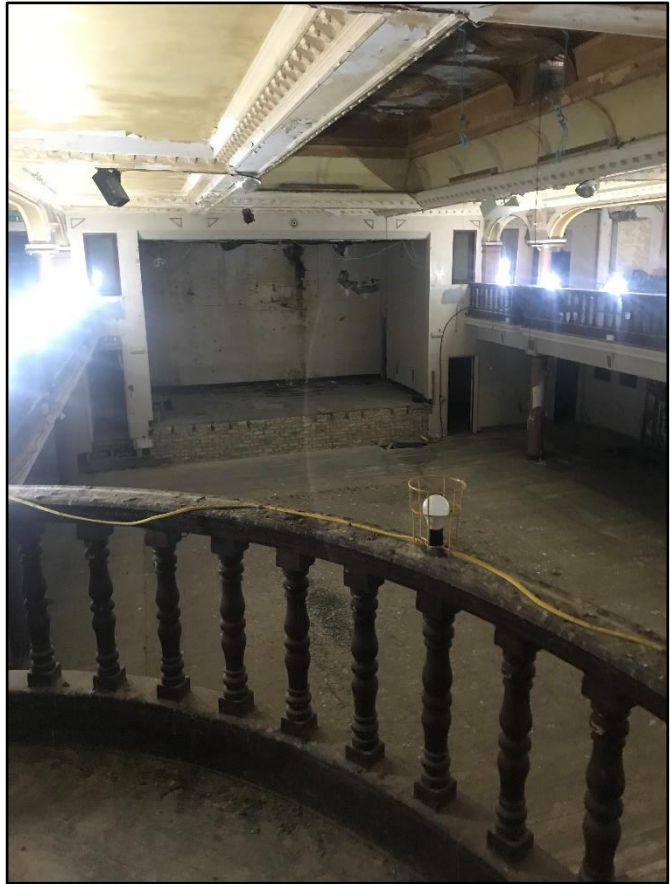
Appendix A (Repairs Notice)

Please refer to pages 155 – 157.

Appendix B (Internal Photographs of the Leas Pavilion)

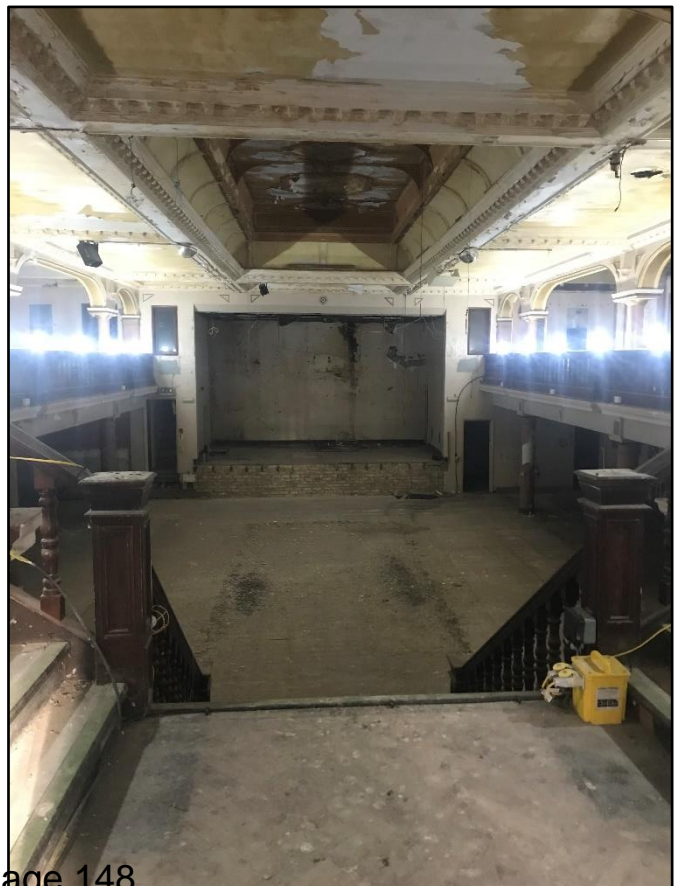
Photograph 1

Internal view of main hall from balcony.



Photograph 2

Internal view of main hall from entrance stairs.



Photograph 3

Ground floor area – showing pillar details



Photograph 4

Image of area to the east of the building – looking towards the front of the building.



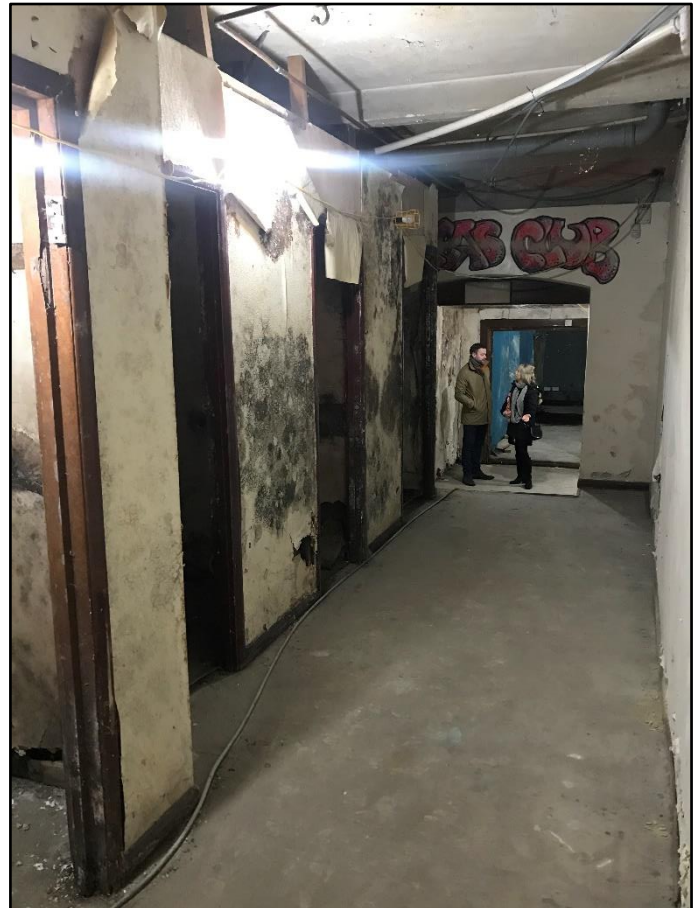
Photograph 5

Existing Staircase
within main hall.



Photograph 6

Side wing of existing building
(eastern)



Appendix C

Previous Planning Permission (ref: Y08/1212/SH)

CGI Image of Front Elevation



CGI of Front and Side Elevations



Elevation (Longford Terrace)



Elevation (Cheriton Place)



Elevation (Longford Way)



Appendix D

Historic England Listing Description

Grade II - Purpose-built tea rooms, later theatre, cafe and pub. Opened in 1902, Architect Reginald Pope for Mr Frederick Ralph. Modified in 1928 and with minor later alterations. Principal front of terracotta, the other elevations of red brick.

PLAN: One storey and basement with seven bay front, roughly rectangular with projecting end wings to the south and attached walls enclosing a forecourt. The interior comprises small tearooms to the south with billiard room underneath and large two-storey high main tearoom to the north.

EXTERIOR: Because of lease restrictions only one floor is visible behind a sunken forecourt. The frontage is by far the most architectural and the elevation of the most special interest. The south entrance front is symmetrical with an elaborate dentil cornice throughout and a central enriched pediment with dolphin motifs. Below is an arched doorcase with keystone and pilasters and an elaborate wrought iron overthrow and pair of gates. The door behind has original Art Nouveau style stained glass with floral motif. On each side of the main entrance are two bays with segmental arched windows and central narrow doors, all divided by pilasters. All windows and doors retain Art Nouveau style stained glass with floral motifs to the upper parts. The whole of the front has an attached iron and glazed verandah supported on large scrolled brackets and thin supports. The modern canopy entrance at street level is not of special interest.

The projecting wings have two similar segmental arched windows with two doors and the south facing ends have one segmental arched window. All windows and doors to the projecting wings retain their Art Nouveau style stained glass. Attached to the sides of the building are the terracotta forecourt walls, comprising elaborate balustrading on retaining walls with steps into the forecourt at the centre and sides which are flanked by pairs of panelled piers. These originally held lamps. The east side has nine window openings (one blocked) with terracotta lintels and mid-C20 metal-framed casements. The north side has one blocked opening with a terracotta lintel. The west side is similar but at the time of inspection most of it was concealed behind a fence. From the interior it was clear that all windows on this side had been replaced in the 1930s or 1950s with metal framed casements.

INTERIOR: The central entrance leads into a vestibule with dentil cornice and, on either side, a doorcase with eared architrave with ovolo and bead and reel motifs and swag frieze to the overmantel. On each side this leads into small tearooms. The central doorcase opens into the main tearoom which rises the full height of the building (ground floor and basement). The centre has a coved ceiling with patterns of diamonds and octagons, flanked by large coffered sections. The space is entered by an imperial staircase with turned balusters on the south side under a central segmental arch. The adjoining round-headed arches have a section of curved balcony beneath. The east and west sides have a gallery supported on Tuscan columns with Tuscan columns to the arches above the gallery. The upper level originally had six round-headed arches to each side but two were removed

on each side and incorporated into larger arches to provide better sightlines for the building's later use as a theatre. The north side originally had a continuation of the gallery with one large central cambered arch flanked by smaller round-headed arches on each floor with balustrading to the gallery, which was originally used by a small orchestra and vocalist. In 1928 the north gallery was replaced by a proscenium arch. This has a central rosette decoration and six triangular motifs. The lower level south side has a separate room, formerly a billiard room. This has a later suspended ceiling, but above this some original plasterwork is likely to survive. This room has later panelling.

HISTORY: The Leas Club was opened in 1902 as a teahouse called The Leas Pavilion. It was designed by a local architect, Mr Reginald Pope for a Mr Frederick Ralph.

The site lay between two hotels on the east side of The Leas which had long leases from the Radnor Estate with an "ancient lights" clause so that no building could be constructed which would prevent light reaching their windows. As a result the building was constructed with only one storey visible above the ground, with a flat roof but a full-height basement.

The contractor for the work was Castle and Co and the overall cost was £10,000. The building was opened by Lord Radnor on 1st July 1902.

The teahouse was fully licensed and had high prices. A covenant in the lease required that the lessees would "use the room for the highest-class tea and refreshment trade with the view to securing the best class of visitors only". At the far end of the gallery was seated a ladies' orchestra, often joined by a vocalist. In 1906 a concert party was introduced on a makeshift stage below the gallery. During the First World War farewell concerts were held for the troops before they embarked onto the ships to France. The concert parties continued after the war until in 1928 a proper stage was built at the far end of the hall with plays and tea matinees. This flourished as a repertory theatre called the Leas Pavilion Theatre for 57 years until September 1985. It reopened as the Leas Club in March 1986 and has subsequently been run as a cafe and pub and venue for live music.

SOURCES: Taylor , Alan F, "Folkestone Past and Present", Derby, 2002. Brodie, Allan and Winter, Gary, "England's Seaside Resorts", English Heritage, 2007.

REASONS FOR DESIGNATION: The Leas Club is designated at Grade II for the following principal reasons:

* As a rare example of a purpose-built Edwardian high class tearoom and its poignant evocation of troops departing for France in World War I and early-C20 popular entertainment; * The entrance front is of special architectural merit for its high quality moulded terracotta work, ironwork grilles and attached verandah and for its Art Nouveau style stained glass; * The plan form survives intact; * The interior with its imperial staircase, galleried interior and ceiling survives substantially intact apart from a few alterations to convert it into a theatre in 1928; * As an important Edwardian seaside building, comparing in interest with the later Leas Cliff Hall and Pulhamite caves at Folkestone, which are both listed Grade II.

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Urgent Works Notice

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 54

URGENT WORKS NOTICE IN RESPECT OF The Leas Pavilion, otherwise known as The Leas Club, The Leas, Folkestone, CT20 2DP

SHEPWAY DISTRICT COUNCIL

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR PROPERTY

URGENT WORKS NOTICE

To: Churchgate Group, Churchgate House, Rectory Lane, Battlesbridge, Essex, SS11 ZQR

- 1 The building known as The Leas Pavilion, otherwise known as The Leas Club, The Leas, Folkestone, CT20 2DP ('the Building') is a listed building under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereinafter known as 'the 1990 Act'). The Building is shown edged in red on the map attached to this Notice and described for identification purposes only in Schedule 1 of this Notice.
- 2 It appears to Shepway District Council ('The Local Authority') whose area includes the Building and being the Local Authority for the purposes of section 54 of the 1990 Act that the works specified within Schedule 2 of this Notice ('the Works') are urgently necessary for the preservation of the Building.
- 3 NOTICE IS HEREBY GIVEN that on expiration of 21 days after the date of this notice the Local Authority intends to carry out the Works in accordance with section 54(1) of the 1990 Act.
- 4 You should be aware that the Local Authority is not obliged to give any further warning after issuing this Notice. It therefore considers the need for the Works has become so urgent that they must be carried out without any delay. You will not be given any further warning.
- 5 When the Local Authority has carried out the Works you will be sent a further Notice to indicate the expenses incurred by the Local Authority in doing so, and requiring you to reimburse it as provided in section 55 of the 1990 Act.

If you wish to discuss this Notice or any related matter you should contact Alexander Kalorkoti as soon as possible.

DATED the 14th November 2017



Ben Geering, Head of Planning
For and on behalf of Shepway District Council
Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY

SCHEDULE 1

The listed building to which this Notice relates - The Leas Pavilion, otherwise known as The Leas Club, The Leas, Folkestone, CT20 2DP as shown for the purposes of identification only edged red on the appended plan.



SCHEDULE 2

Urgent works

Planning (Listed Buildings and Conservation Areas) Act 1990, section 54

The Leas Pavilion, otherwise known as The Leas Club, The Leas, Folkestone, CT20 2DP

- 1 Install structural propping to both front/south-facing wings of the building in accordance with the recommendations of a structural engineer.
- 2 Within the Billiard Room:
Once the suspended ceiling and polythene sheeting has been removed, prop areas of structural decay to the concrete roof of the forecourt area.
- 3 Ensure that ventilation is provided to all internal spaces in accordance with BS 5925:1991 (1995)

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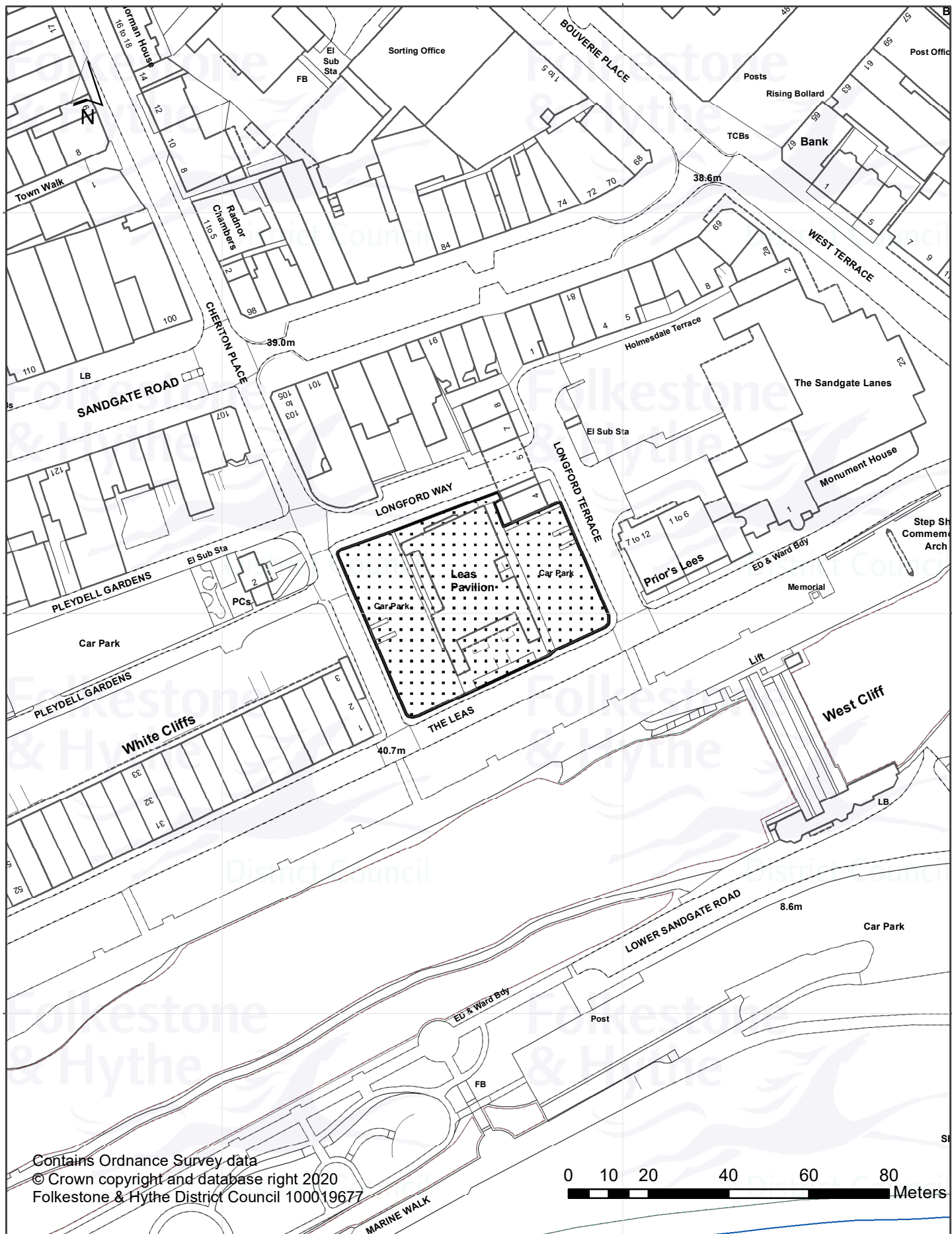
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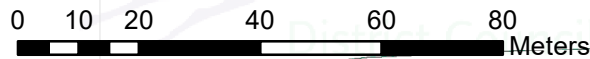
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DC/20/19

Application No: 20/0563/FH

Location of Site: The Leas Club, The Leas Folkestone, CT20 2DP

Development: Listed building consent for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

Applicant: Mr Olivier Daelemans

Agent: Miss Molly How

Officer Contact: Sue Head

SUMMARY

This report considers a listed building application for the restoration of the Leas Pavilion including internal and external alterations. The report considers all elements of the listed building that are to be amended, and assesses each element in terms of any benefit or harm that they may bring about. The report concludes that the development would have less than substantial harm on the listed building and as such the proposal is acceptable.

RECOMMENDATION:

That listed building consent be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1 This application seeks listed building consent for the internal and external works that require listed building consent in connection with the restoration of the Leas Pavilion along with the proposed residential redevelopment of the site subject to planning application ref 20/0579/FH also reported on the agenda. It is for this reason the application is being reported to the Planning and Licensing Committee.

2. Site and General and Historic Building Description and Significance

- 2.1 The application site comprises of the Grade II listed Leas Pavilion building itself, as well as two surface level car parks located to either side. The Leas Pavilion is sited immediately adjacent to 'The Leas' which is clifftop promenade with the seafront some 40m below. Opposite the site lies an area of open space which lies between the road and the cliff edge. The site comprises land of approximately 0.23ha located within the built-up area of Folkestone, and within the Folkestone Conservation Area. The List description for The Leas Club reads as follows;

737/0/10041

THE LEAS CLUB, THE LEAS
24-DEC-07

Grade II

II Purpose-built tea rooms, later theatre, cafe and pub. Opened in 1902, Architect Reginald Pope for Mr Frederick Ralph. Modified in 1928 and with minor later alterations. Principal front of terracotta, the other elevations of red brick.

PLAN: One storey and basement with seven bay front, roughly rectangular with projecting end wings to the south and attached walls enclosing a forecourt. The interior comprises small tearooms to the south with billiard room underneath and large two-storey high main tearoom to the north.

EXTERIOR: Because of lease restrictions only one floor is visible behind a sunken forecourt. The frontage is by far the most architectural and the elevation of the most special interest. The south entrance front is symmetrical with an elaborate dentil cornice throughout and a central enriched pediment with dolphin motifs. Below is an arched doorcase with keystone and pilasters and an elaborate wrought iron overthrow and pair of gates. The door behind has original Art Nouveau style stained glass with floral motif. On each side of the main entrance are two bays with segmental arched windows and central narrow doors, all divided by pilasters. All windows and doors retain Art Nouveau style stained glass with floral motifs to the upper parts. The whole of the front has an attached iron and glazed verandah supported on large scrolled brackets and thin supports. The modern canopy entrance at street level is not of special interest.

The projecting wings have two similar segmental arched windows with

two doors and the south facing ends have one segmental arched window. All windows and doors to the projecting wings retain their Art Nouveau style stained glass. Attached to the sides of the building are the terracotta forecourt walls, comprising elaborate balustrading on retaining walls with steps into the forecourt at the centre and sides which are flanked by pairs of panelled piers. These originally held lamps. The east side has nine window openings (one blocked) with terracotta lintels and mid-C20 metal-framed casements. The north side has one blocked opening with a terracotta lintel. The west side is similar but at the time of inspection most of it was concealed behind a fence. From the interior it was clear that all windows on this side had been replaced in the 1930s or 1950s with metal framed casements.

INTERIOR: The central entrance leads into a vestibule with dentil cornice and, on either side, a doorcase with eared architrave with ovolo and bead and reel motifs and swag frieze to the overmantel. On each side this leads into small tearooms. The central doorcase opens into the main tearoom which rises the full height of the building (ground floor and basement). The centre has a coved ceiling with patterns of diamonds and octagons, flanked by large coffered sections. The space is entered by an imperial staircase with turned balusters on the south side under a central segmental arch. The adjoining round-headed arches have a section of curved balcony beneath. The east and west sides have a gallery supported on Tuscan columns with Tuscan columns to the arches above the gallery. The upper level originally had six round-headed arches to each side but two were removed on each side and incorporated into larger arches to provide better sightlines for the building's later use as a theatre. The north side originally had a continuation of the gallery with one large central cambered arch flanked by smaller round-headed arches on each floor with balustrading to the gallery, which was originally used by a small orchestra and vocalist. In 1928 the north gallery was replaced by a proscenium arch. This has a central rosette decoration and six triangular motifs. The lower level south side has a separate room, formerly a billiard room. This has a later suspended ceiling, but above this some original plasterwork is likely to survive. This room has later panelling.

HISTORY: The Leas Club was opened in 1902 as a teahouse called The Leas Pavilion. It was designed by a local architect, Mr Reginald Pope for a Mr Frederick Ralph.

The site lay between two hotels on the east side of The Leas which had long leases from the Radnor Estate with an "ancient lights" clause so that no building could be constructed which would prevent light reaching their windows. As a result the building was constructed with only one storey visible above the ground, with a flat roof but a full-height

basement.

The contractor for the work was Castle and Co and the overall cost was £10,000. The building was opened by Lord Radnor on 1st July 1902.

The teahouse was fully licensed and had high prices. A covenant in the lease required that the lessees would "use the room for the highest class tea and refreshment trade with the view to securing the best class of visitors only". At the far end of the gallery was seated a ladies orchestra, often joined by a vocalist. In 1906 a concert party was introduced on a makeshift stage below the gallery. During the First World War farewell concerts were held for the troops before they embarked onto the ships to France. The concert parties continued after the war until in 1928 a proper stage was built at the far end of the hall with plays and tea matinees. this flourished as a repertory theatre called the Leas Pavilion Theatre for 57 years until September 1985. It reopened as the Leas Club in March 1986 and has subsequently been run as a cafe and pub and venue for live music.

SOURCES: Taylor , Alan F, "Folkestone Past and Present", Derby, 2002. Brodie, Allan and Winter, Gary, "England's Seaside Resorts", English Heritage, 2007.

REASONS FOR DESIGNATION: The Leas Club is designated at Grade II for the following principal reasons:

** As a rare example of a purpose-built Edwardian high class tearoom and its poignant evocation of troops departing for France in World War I and early-C20 popular entertainment; * The entrance front is of special architectural merit for its high quality moulded terracotta work, ironwork grilles and attached verandah and for its Art Nouveau style stained glass; * The plan form survives intact; * The interior with its imperial staircase, galleried interior and ceiling survives substantially intact apart from a few alterations to convert it into a theatre in 1928; * As an important Edwardian seaside building, comparing in interest with the later Leas Cliff Hall and Pulhamite caves at Folkestone, which are both listed Grade II.*

- 2.2 The Leas Pavilion is located on the north side of The Leas, approximately 150m west of the monument at West Terrace and about 250m east of the Leas Cliff Hall.
- 2.3 The building sits at the centre of a property block bounded by Longford Way (to the north), Cheriton Place (to the west) and Longford Terrace (to the east). The building fronts onto the Leas with a sunken courtyard contained by two projecting wings and has a rear elevation onto Longford Way. There are sunken

areas to the sides of the building and beside these, to the east and west, vacant plots are in use as car parks.

- 2.4 These plots were formerly occupied by substantial buildings - rows of 5 storey hotels + attic terrace houses all designed in the stuccoed Italianate classical style that is typical of west Folkestone. The northern part of Longford Terrace survives as a truncated row of houses extending away to the north towards Sandgate Road.
- 2.5 The Leas Pavilion was designed by Reginald Pope and was opened in 1902 as a tea house. It was subsequently converted to a theatre in 1928 with the northern galleries replaced by a proscenium arch and with alterations to the east and west galleries. The building is constructed principally of red brick but with buff terracotta blockwork to the south front, projecting pavilions and balustrades enclosing the sunken forecourt area and steps.
- 2.6 The building is sunken into the ground with the flat roof only about 1.2m above the surrounding ground levels. Steps lead down into a broad sunken forecourt terrace at two levels onto which the principle elevation faces. This frontage is built entirely of terracotta blocks and is a symmetrical composition with an enriched pediment with dolphin motifs set over the central entrance. The façade is of seven bays, with the end bays projecting well forward of the main front to form projecting wings that enclose the terrace on the east and west sides.
- 2.7 The façades are arranged as a series of “shopfronts”, each comprising of a pair of elliptically arched windows to either side of an arched topped doorway. There are four shopfront sets in all, two of these facing south to either side of the central entrance and the other two on the side elevation of the projecting wings, facing each other across the forecourt. The ends of the projecting wings are each formed with a simple “shop” window occupying most of the end elevation of these wings.

- 2.8 The design is of a very slender nature with only narrow pilasters, built off the terracotta blocks between the windows and doors, with only slightly more substantial piers at the corners of the building. Above the arches there is an elaborate entablature with a heavy moulded cornice supported on dental blocks extending right along the frontages of the building.

- 2.9 Attached to the building is a patent glazed canopy, supported by decorative wrought iron eaves beam which in turn is carried by a series of large decorative



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wrought iron brackets bolted back to the façade. This appears to be a later work attached to the original building.

- 2.10 The interior of the building contains an impressive series of spaces with a central vestibule entered from the sunken outer courtyard. This leads on into the main central double-height hall space with a coffered ceiling with the lay light of a former central lantern light. This is flanked by galleries to either side at the upper level, with the later proscenium inserted into the north side. An imperial staircase leads down to the lower level. The image above, shows the open space, with the stage at the northern end of the building. This stage is not an original feature of the building, and is sought to be removed as part of this proposal, with the reinstatement of the balconies feature at that end of the building.



- 2.11 Behind the stair are a series of lesser generally featureless spaces - a large low room, last used as a billiards room and beyond this, to the north a large bare undercroft space beneath the upper courtyard. The image to the right shows the eastern flank of the building, with the more recent partition walls, which are in a state of significant disrepair.

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3 PROPOSAL

3.1 This Listed Building Consent application relates to the restoration of the Leas Pavilion and the development of a nine- storey residential apartment block, above the rear part and either side of The Leas Pavilion.

Restoration

3.2 The proposal would see the renovation of the existing Leas Pavilion, which is in a state of disrepair, with the previous owners having had a repairs notice served upon them. The repairs of this element will provide a communal space for future

residents as well as allowing for some public access for functions and also to view archives of local interest. The proposal would include the following works to be undertaken (in summary):

- The dismantling and restorative reconstruction of the terracotta facades to the south courtyard, including parts of the main entrance frontage, east and south elevations of the west wing and the west and south elevations of the east wing and reinstatement of the original steps.
- Removal and reinstatement of the weathering of the sunken courtyard.
- Restoration of the south courtyard balustrading and steps.
- Removal of the later iron and glass canopy that extends across the main south entrance front and making good.
- Demolition of the rear part of the west flanking wing, a small office extension at the north-west corner and a derelict single storey extension infilling most of the east sunken yard (all this in conjunction with the construction of the adjacent flats development).
- Removal of the stage area and associated offices at the north end of the main hall and reinstatement of the tripartite gallery with projecting central bay feature.
- Removal of a modern accommodation stair within the west wing and making good.
- Removal of various modern partitions (mostly WC partitions) in particular within the east wing at both ground and lower ground levels.
- Formation of new opening and infilling existing openings within the east and west wings and to form connections between the Leas Pavilion space and the circulation areas of the flats development on the site to the east and west and bridging over the Leas Pavilion.
- Conversion of the Leas Pavilion main hall space into a multi-purpose function space.
- Conversion of the former billiards area into a storage room for flats tenants.
- Fitting out and conversion of the south undercroft space into a plant room.
- Provision of toilets to serve the community room.
- General reinstatements of the interiors of the main double height hall space.

3.3 Within the front courtyard a number of changes are also proposed:

- The non-original metal veranda which extends across the main frontage is to be removed. This was introduced in the 1920s and is in poor condition with much of the glazing missing. While not yet consented (the application remain undetermined – see Planning History), a 2019 application proposed the removal of this feature and concluded that ‘whilst the canopy has become part of the history of the building and, were it to be in good condition, it would contribute to its character. The process of restoration, however, means that it has to be taken down and given the extent of replacement required, perhaps it is not really worth restoring it afterwards.’ (ref: Y19/0665/FH). As such, the removal of this feature has already been accepted by the Council and its loss will better facilitate the restoration of the façade to its 1902 character.
- The original surface (potentially stone or gravel judging by historic photographs) has been replaced with modern asphalt which has, over time, degraded. This is now causing a water leak into the basement below. Proposals seek to repair the water ingress and provide an appropriate new surface within the courtyard.

3.4 In terms of the use of the building itself, residents will access the building via the main entrance from The Leas before using the upper level gallery to access the circulation cores to the residential units above. The gallery will also provide informal seating.

3.5 To the front of the building at the upper level, the existing two main rooms will be used as a concierge and cloak room. Secondary access into the residential units (for use when a community function etc. is using the main hall) will be provided through the projecting wings of the building. This part of the building will also feature an exhibition of historic images from the Leas Pavilion Archives that would tell the story of the building and better reveal its significance and history for occupants and visitors.

3.6 The main hall of the lower floor, where the tea-room functioned from, will be provided with flexible seating and staging so that a variety of different performances, functions etc. can be held in the space. Existing rooms and spaces around this area will be used for different ancillary functions including a green room and storage or community use and a kitchenette. The former bowling alley and snooker area to the front of the building beneath the courtyard will be used as storage for the residential units.

3.7 One of the most important elements of work proposed to the grade II listed building entails its restoration back into community use. As noted, the Leas Pavilion has been disused for the last ten years. In this time the building has fallen into a considerable state of disrepair and the frontage has suffered serious structural damage which has had an effect on the original terracotta.

- 3.8 Externally, specialist structural work will be undertaken to stabilise the front façade and a terracotta specialist has been brought into the team to provide a sensitive schedule of works for the restoration of this elevation and associated steps and balustrade etc.
- 3.9 Where possible the existing terracotta (both that which remains in situ and which has been salvaged within the building) will be reused with elements restored to their original locations.
- 3.10 In addition to this, the Art Nouveau stained glass windows on the front facade will be carefully restored, again making use of the salvaged elements where possible, and the brickwork to the east façade will be carefully repaired.
- 3.11 The following documents were submitted by the applicant in support of this proposal:

Planning Statement (PS)

- 3.12 In line with the requirements of the NPPF, the Planning Statement discusses the site context, the policy context and how the issues and constraints specific to the site have been addressed. This document also summarises the pre-application discussions that have taken place between the Council and the applicant, as well as the public consultation exercises.

Design and Access Statement (DAS)

- 3.13 The Design and Access Statement (including subsequent addendums) fully explores the design rationale of the development, as well as the evolution of the scheme from pre-application to the point of determination. The Design and Access Statement looks at the historic context of the building and provides a summary of the works required to the listed building. It also provides information on the floor plans as well as the car parking arrangement.

Heritage Statement (HS)

- 3.14 The submitted Heritage Assessment makes an assessment on the historic importance of the building, identifying its significance as a heritage asset, and then provides an assessment of the proposal in terms of the level of harm caused by the proposal. The assessment concludes that overall there would be less than substantial harm by virtue of the proposals.

Structural Assessment and Appraisal

- 3.15 This report provides a very comprehensive structural assessment of the existing LP structure and the issues surrounding the new flats structure which is in close proximity to the historic building – there needs to be a Method Statement of the

support of the side walls of the hall whilst this heavy engineering work is in progress.

3.16 In terms of the current structural condition of the building the document's appraisal finds a number of faults with the current building condition, in summary these are as follows:

- **Water Ingress:** The building is not watertight and suffering from water ingress causing decay and damage to the building fabric;
- **Vegetation:** Vegetation is found in the terracotta facades and walls and steps to the southern forecourt causing significant damage;
- **Timber Decay:** Timber joints of flat roof and gallery floor are at high risk of decay. There is extensive evidence of dry rot;
- **Steelwork:** The condition of some beams seems reasonable, with surface corrosion consistent with a building of this age. However, there remains risk that beams elsewhere are suffering from severe corrosion;
- **North Retaining Wall:** Horizontal crack visible. The plaster need removal to determine if this permeates to the masonry wall. Diagonal sheer crack is also observed on the external wall of the stage extension;
- **Concrete slab above basement:** Concrete slab soffit has spalled in places and the fine steel mesh corroded;
- **South Elevation and South Wings Terracotta Facades:** Evidence of movement of the principal south elevation. To the forecourt, the cornice shows significant downward movement;
- **External Balustrades, Steps and Walls:** Substantial movement and damage have occurred to the features of the forecourt.

Archaeology Desk Based Assessment

3.17 The report includes analysis and interpretation of the Historic Environment Record, map regression, aerial photographs and any existing site records analyses, with provisional historical contextualisation. It provides an assessment of the likely level of works required to protect any archaeology of interest.

Terracotta Repair Methodology

3.18 The application includes a detailed report by PAYE Stone outlining the general strategy for the repair of the terracotta elements of the building. The report outlines the suggested methodology to be taken in approach to restoring the terracotta outside of the Leas Club. The document provides individual methodologies for the cleaning, the repair and the reconstruction of the terracotta external fabric of the building.

Townscape and Visual Appraisal

- 3.19 This Appraisal was submitted in order to demonstrate where the building would be visible from and the impacts that it would have thereafter. The appraisal concludes that the proposal would bring about a number of beneficial impacts both from short and medium/long range views from a number of viewpoints. It does identify that the magnitude of change at a local level would be substantial, but positive.

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site is as follows:

- 86/0193/SH Change of use from theatre to leisure activity club with dance floor and bar, including snooker and billiards and café/restaurant. Approved
- 94/0383/SH Erection of 2 No. 5 storey blocks of 20 flats (total of 40 flats) over semi-basement garaging to replace the buildings on the Longford Terrace and Cheriton Place frontages and the formation of a roof garden and conservatory on top of the Leas Club. Approved
- 94/0384/SH Conservation area consent for demolition of the Hotel De France 1 – 4 Longford Terrace, 8 The Leas and 2 Cheriton Place, Folkestone. Approved
- 05/1436/SH Extension to existing car parks together with new boundary wall and pedestrian accesses. Withdrawn
- 08/0799/SH Felling of one sycamore tree situated within a conservation area. No Objection
- 08/1212/SH Change of use and conversion of Leas Club from a bar (Class A4) to a gymnasium/health club (Class D2) including alterations and refurbishment of the building together with the erection of a seven storey block of 68 residential apartments (5 full storeys, two recessed), parking, bicycle storage and 2 commercial units (Class A1/A3) to the ground floor and the construction of a basement parking level. Approved
- 08/1213/SH Listed building consent for internal and external alterations in connection with the change of use of the building to a gymnasium/health club (Class D2) and erection of apartment block. Approved
- 19/0665/FH Listed Building Consent for the removal of the existing canopy to frontage. Pending.

19/0870/FH Listed Building Consent for dismantling associated structural works and reconstruction of both front extensions, including the refurbishment of the existing shop fronts. Pending.

20/0579/FH Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use (Class C3), and flexible use for community access/assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with parking provided to either side of the Leas Pavilion at half-basement and lower ground floor levels, accessed from Longford Terrace and Longford Way. Pending.

4.3 There is no other planning permission or listed building consent relevant to the determination of this application.

4.4 It is important to note that a Repairs Notice has been served upon the existing owners of the site due to the state of disrepair of the building and the risk that this poses to the longevity of this building. This Notice remains in force.

5 CONSULTATION RESPONSES

5.1 The consultation responses are summarised below:

Folkestone Town Council: Make the following comments (summarised):

- The height of the building exceeds that previously permitted, and is harmful to the character and appearance of the locality.
- Concern is also raised with regards to the viability of the scheme and have suggested that greater transparency on this matter be provided. Officer Comment: All viability work submitted has been made available, and has been scrutinised by independent viability consultants. The results of these discussions are set out within the report.

[CPO Comment: Viability is not a material consideration of this application however, the viability report supplied with the associated planning application was made publically available for public inspection]

- Safeguards should be put into place to ensure that the community use is retained for the long term, and cannot be removed by the residents of the new flatted element.

- Repairs of the Pavilion should be undertaken in advance of the new build element.

Environmental Health Officer: Raises no objection with regards to noise and contamination subject to the imposition of suitable safeguarding conditions relating to both matters.

National Consultation Responses

Historic England: Raises no objection but highlighted a number of detailed points that are summarised below:

- Proposals for the interior and exterior of the grade II listed building would enhance the building's significance thus meeting this NPPF objective (Para 192 (a)). Of note, is a comprehensive scheme to reintroduce the tea rooms original form including a triptych arrangement of arches at its northern end which served as a focal point when built and the arcade on the east and west galleries.
- Externally a comprehensive programme of conservation work is proposed for the terracotta work, once again revealing the glory of this very special façade. Limited demolition to accommodate secondary entrances in to the new development and new stairways and the loss of later changes which help explain the building's use as a cinema would cause a low level of harm to heritage significance.
- We think a good deal of information will need to be secured by condition.
- We are content to defer to the advice of your Conservation Advisor for the wording of these conditions in addition to any other conditions he suggests for the granting of a listed building consent.
- As well as works to the pavilion a 9-storey building with semi-subterranean parking is also proposed. We do think the development causes a low level of harm to the grade II listed Leas Pavilion which historically had no near development directly to its north, the spaciousness here thus giving some added prominence in the streetscape to its semi subterranean forecourt and principal elevation, and we think this will be compromised to a limited degree by the scale and proximity of the new development, especially the northern range. At the same time, removing unattractive surface car parking to the east and west of the pavilion is a positive change. We do not necessarily think a building of this scale in itself causes harm to its significance of the Folkestone conservation area which is characterised by terracing of a homogenous scale punctuated by larger buildings on the Leas.

- We think the overall concept for the building, of one divided in to three parts vertically, and of a central bay flanked by two wings, based on historic examples on the Leas is a strong one.
- Historic England has no objection to the applications on heritage grounds and considers that the applications meet the requirements of the NPPF, in particular paragraph numbers 190 and 194.

The Victorian Society: Expressed an eagerness to see the existing Pavilion building brought back into use – and the use and works to the existing building are not contested. However, the Society does raise concerns with regards to the design of the new building objectionable, citing that they consider it dominate the existing building and therefore reduces its impact upon the streetscape, thereby reducing its significance.

Concern is also raised with regards to the level of glazing within the front elevation.

The Theatres Trust: Raises no objection but make the following points (in summary):

‘While we do not object to the proposal in principle and the quantum of development we have some concern regarding the overall design and massing and the impact this has on the appearance and significance of Leas Pavilion and its setting. We suggest the proposal should be reviewed, perhaps to step the building up and back from Leas Pavilion or for the side wings to be pulled back to help maintain the Pavilion’s existing character as a low and horizontal block rather than being almost subservient beneath the new development.

In conclusion we are supportive of the development in principle although suggest that the scheme is amended to maintain Leas Pavilion’s character as a designated heritage asset and setting. We also consider it essential the development is conditioned as set out to ensure the public benefits of a restored Leas Pavilion as a heritage, cultural and social asset are realised.’

Local Resident’s Comments

5.2 155 Neighbours were directly consulted. 10 objections, 3 general comments and 6 letters of support were received.

5.3 These comments are summarised below:

Objections

- Concerns regarding level access for pedestrians. No space made for disabled parking spaces or drop-off.
- The Council should purchase and restore the pavilion from public funds.

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- Lack of car parking makes the scheme absurd.
- Previous scheme was better, but this current application should be refused.
- Ghastly, like grafting a rhino's head onto the body of a gazelle.
- Pavilion building needs to be preserved, renovated and used as it was intended, an entertainment venue.
- Ridiculous overdevelopment.
- Area is not suitable for this increase in traffic.
- How will fire tenders easily access in an emergency.
- Concerned for arrangements on time of work, noise level, works traffic control, dust and dirt controls.
- Height of the building will impinge on the comfort and well-being of residents at No1 The Leas.
- Omission of visitor's car parking at the pavilion is a violation of equality rights.
- Has consideration been given for a loading bay?
- Little to no mention of disabled or accessibility requirements.
- What is to happen to the Sycamore tree to the rear of the site. Application form says there are no trees on site this is incorrect, why has there not been a Tree Survey submitted?
- A number of Grade II and II* listed structures are in the vicinity the proposed building will negatively impact visitors to these structures.
- No proper consultation to ask what the people of Folkestone wanted to see the pavilion used for.
- Will be asking the secretary of state to investigate whether the Council has properly advertised both applications.

Letters of General Comment

- Should be at least 90 parking spaces.
- The executive summary says this is the minimum amount of development needed to restore the pavilion. Only the façade of the pavilion should be restored. Saving the whole structure is not practical and the north end has no real architectural value.
- The external structure has deteriorated and crumbled. To what extent have specialist investigations been undertaken to ascertain what will happen when the piling works are done.
- Previous comments of the north having no architectural merit are incorrect.
- If FHDC and KCC are happy with the number of spaces, then this is an issue for potential purchasers.
- Wish for a watertight covenant that the pavilion will always be open to the community.
- Why is NFS on the consultation list?

Letters of Support

- Hope permission is granted, and the applicant is able to continue or we will lose this building altogether after years of incompetent heritage management.
- Whatever it takes to restore this once beautiful building.
- Remarkable Kantion is prepared to fund the restoration of the building.
- Need the development to have the pavilion restored.
- Number of jobs created by the development.
- Good example of retaining history.
- Will become a vibrant neighbour.
- Most exciting development to date, Folkestone will benefit greatly.

It is useful for Members to also consider the objections and letters of support made in relation to the accompanying planning application that is before Members at this meeting, as some of this overlap in their comments.

All comments can be seen on the Council's webpage:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6 RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

BE3	Criteria for considering development within conservation areas
BE4	Criteria for building in conservation areas
BE5	Control of works to listed buildings

Shepway Local Plan Core Strategy (2013)

DSD	Delivering Sustainable Development
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Places and Policies Local Plan Submission Draft (2019)

The Submission draft of the Places and Policies Local Plan (PPLP) (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council received the Inspector's report into the plan on 26th June 2020 and the Inspector found the plan meets the government's requirement and that is sound subject to modifications set out in his report.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

HE1	Heritage Assets
HE3	Local List of Heritage Assets

Core Strategy Review Submission draft (2019)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

National Planning Policy Framework (NPPF) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide October 2019

- C2 – Value heritage, local history and culture

7 APPRAISAL

- 7.1 In light of the above, the main issue for consideration is the impact that the proposal would have upon the listed building and its setting.
- 7.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *In considering whether to grant listed building consent for any works the local planning authority or the secretary of state shall give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* This section of the report assesses the proposal in light of all relevant guidance and policy, both adopted and emerging, with a balancing exercise undertaken to provide members with a recommendation.
- 7.3 The key issue relates to the impact upon the character, appearance and historical integrity of the grade II listed building. The documents submitted show only the restoration and alterations to the Leas Pavilion itself, but they do show elements of the flatted development in order to demonstrate the interaction of the listed building with the flats proposed either site and above of the listed building.
- 7.4 The appraisal below therefore discusses mainly to the proposals as they affect the Leas Pavilion historic building, however they will include comments on where the new development will interact with the historic buildings.
- 7.5 Chapter 16 of the NPPF refers specifically to the conservation and enhancement of the historic environment. It sets out within this chapter the assessment that is required of any development that affects any heritage asset. This states that in determining applications, local planning authorities should

require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 7.6 In this instance the applicant submitted a heritage assessment as well as supplementary reports that refer to the structural integrity of the building and the works that would be required to the terracotta frontage of the building. All of these submissions have been considered in the assessment of the level of harm to the listed building, and thus inform the recommendation.
- 7.7 Paragraph 192 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.8 This report again, considers the desirability of retaining the listed building (which is subject to a Repairs Notice) given that it is of both local and national prominence. The form of the building is relatively uncommon, and the history of the building, in particular in its role as an entertainment venue, and as a venue that hosted the armed forces during the Second World War make the building of some significance.
- 7.9 Likewise, the use of the building (in part) for use by the wider community is considered to be of importance. Whilst the building has always been in private ownership, it has been available for public use – whether as a tearoom, or more latterly as a bar. The proposal, which would see the Pavilion made available for public use for 100 days a year would ensure that this access is maintained into the future.
- 7.10 This report therefore sets out the impact of the individual elements that comprise the alterations to the listed building, before providing a summary of the development as a whole, and the impact that this would therefore have on its setting. This report should be read in conjunction with the accompanying full planning application which is also before Members for their determination.

Internal Alterations

- 7.11 The proposal seeks to allow for some internal alterations to the listed building, and these will be considered in turn, in terms of their impact upon the fabric of the listed buildings, and whether the alterations would result in any significant harm to the building.
- 7.12 The proposal would allow for the removal of the stage at the northern end of the hall, with the reinstatement of the pillars as historically constructed in its place. This would then be provided with a balcony above, which would link those to the east and west. This proposal is considered, in principle, to be an enhancement of the existing form of the building, and would bring back into use the original form of the structure. The loss of the existing stage lining walls and office areas are considered acceptable to facilitate this alteration, on the basis that this is not part of the original fabric of the building.
- 7.13 The provision of new toilets within the space, to facilitate public access is also considered to be acceptable. This would utilise space on the eastern side of the building, and would be accessed through an existing doorway, with no structural walls removed. It is not considered that there would be any harm to the fabric of the listed building brought about by this element of the proposal.
- 7.14 The demolition of the rear part of the flanking wall, which contained a small office to facilitate the car parking area of the new flats would see the loss of some of the outer part of the listed building. In addition, part of the western flank wall would be removed, and the corridor along that edge narrowed in order to allow for the car parking spaces to be delivered. This loss of historic fabric has been considered in terms of its importance to the building as a whole. The Council's Conservation Advisor states that on balance this is acceptable given the overall benefits of the development. These elements of the building are not crucial to the understanding of the building, and have a number of more recent alterations made to them. Much of the exterior brick work is modern and of little value, and its loss is therefore considered to be acceptable.
- 7.15 The conversion of the former billiards room to a storage area for the flats, and the conversion of the south undercroft to a plant area is considered to be an acceptable use. This will not require the loss of any historic fabric although some of the existing beams may require replacement once they have been fully inspected. Replacement of these beams is considered to be acceptable.
- 7.16 The removal of some internal partitions to facilitate access for future residents along both the west and east flanks of the building would see the loss of some of the original structure. Here, there changes would be relatively minimal, with the provision of doorways within the main walls, and the removal of more recent partitions in their entirety. The loss of these features is not considered to represent substantial harm to the listed building and is therefore acceptable.

External Alterations

- 7.17 It is proposed that the terracotta upon the front elevation be dismantled with a restorative reconstruction then to take place. The applicant has submitted a detailed Stone Report which sets out the methodology for undertaking this work. This report has been reviewed by both Historic England and the Council's Conservation Advisor who are content with its methodology and that the repairs could be carried out to result in an improved façade. Conditions have been suggested that would require more detail to be provided which are set out at the end of this report.
- 7.18 It is proposed that the current (unsightly) weather course be removed within the sunken courtyard and replaced with materials yet to be confirmed. It is considered that the removal of this material is acceptable, but that any replacement must be suitable, and would therefore be controlled by condition.
- 7.19 The reinstatement of the retaining walls and steps within the forecourt is also welcomed. The plans submitted do not show the detail of these improvements, however this is a matter that can be considered by condition – with details at a scale of 1:10 to be provided should listed building consent be granted.
- 7.20 The removal of the iron and glass canopy has been subject to previous applications and has been agreed in principle previously. Again, the loss of this more recent feature is not considered to compromise the setting or appearance of the listed building.

Summary

- 7.21 The NPPF sets out at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). As Members are aware, a Repairs Notice has been served on the current owners of the site, and this listed building application (and accompanying planning application) would allow for these repairs to be undertaken.
- 7.22 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.23 Whilst the development would result in the loss of a small amount of the historic fabric of the building the risk to the building's long term survival, together with an understanding that this is the optimum viable use of the building ensures that the level of harm (which is considered to be less than substantial) is acceptable in this instance.

New Development

- 7.24 The proposal subject to the full planning application seeks permission for the following:

Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

- 7.25 The proposal has been subject to significant scrutiny through the pre-application process, and through to the determination of the planning application and listed building consent.

- 7.26 In terms of the impact upon the Leas Pavilion, the applicant's submission contends that careful consideration has been paid to how to best reveal the asset, both physically in terms of the design of the new residential units and in terms of how the asset is used. The Leas Pavilion is a building identified as being 'at risk' and as such the potential for its restoration, and maintenance thereafter is considered a significant benefit of this proposal.

- 7.8 The applicant has submitted full plans which show how the new building would respond to the character and appearance of the listed building. Plans and CGIs have been submitted which show the proposal from a number of vantage points which provide an understanding of the overall impact.

- 7.9 Historic England have made the following comments with regard to the new build element of the scheme:

'We do think the development causes a low level of harm to the grade II listed Leas Pavilion which historically had no near development directly to its north, the spaciousness here thus giving some added prominence in the streetscape to its semi-subterranean forecourt and principal elevation, and we think this will be compromised to a limited degree by the scale and proximity of the new development, especially the northern range. At the same time, removing unattractive surface car parking to the east and west of the pavilion is a positive change. We do not necessarily think a building of this scale in itself causes harm to its significance of the Folkestone conservation area which is characterised by terracing of a homogenous scale punctuated by larger buildings on the Leas.'

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- 7.10 Officers concur with this view, and believe that the loss of the car parks would improve the setting of this listed building. At present the car parks are unsightly and the parking of vehicles on this land does not replicate or relate to any historic use of the building. The re-introduction of built form on this site would be more appropriate when considering its historic context.
- 7.11 Furthermore, we agree that the scale of the building in itself would cause less than substantial harm to the listed building and its setting. The shape of the new building would respond to the more historic form of the site, and whilst this would 'bridge' the Pavilion, and be larger than any historic building on the site, it is considered that the use of lighter materials, and the stepping back of the higher levels would ensure that the listed building remains a key focal point of the site.

Summary

- 7.12 In summary, the proposal would bring about a number of benefits that are considered to outweigh the less than substantial harm caused by any internal alterations and the new build element. These are:
- The provision of a viable long term use for the grade II listed building which would secure its future, remove risk and halt any further deterioration;
 - The restoration of building which is currently in a particularly poor state of repair having been empty for a number of years. These restoration works amount to an enhancement to the significance of the building (specifically its architectural and historic interest) and include:
 - (a) The removal of modern, detracting features;
 - (b) The retention and reuse of key internal and features of heritage value;
 - (c) The repair of deteriorated fabric (including the important terracotta frontage) and interior detailing; and
 - (d) The reinstatement of lost elements including the gallery and colonnade to the rear of the building where a later stage is currently located.
 - The introduction of a community use which would better reveal the listed building, through the display and storage of archive material, and allowing it to be accessed by the public;
 - The removal of the poor quality and detracting car parks with the expanse of hardstanding and reinstatement of a strong frontage to The Leas;
 - The introduction of built form located in close proximity to the listed building, reflecting the historic form within the locality; and
 - The enhancement of group value between the Leas Lift and Leas Pavilion;

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- 7.51 Given the above, it is considered that the development is acceptable in terms of the impact upon the listed building, and its setting, and therefore accords with the requirements of both national and local guidance and policy.

CONCLUSION

- 8.1 This proposal is linked to the full planning application for the erection of 92 new flats together with the restoration of the Leas Pavilion building. This listed building application seeks consent for a number of details alterations to the building, which have been considered by Historic England, the Council's Conservation Advisor and Officers. It is considered that there would be less than substantial harm brought about by the alterations, and by the new build element. As such, it is considered that the proposal accords with Policies HE1 of the Place and Policies Local Plan, BE5 of the Local Plan Review and Chapter 16 of the NPPF. On this basis it is recommended to Members that they give this application favourable consideration and grant listed building consent subject to the imposition of the conditions set out below.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATION

- 10.1 That listed building consent be granted subject to the imposition of suitable conditions as set out below.

CONDITIONS

Standard Conditions

1. The works to which this consent relates shall be begun not later than the expiration date of two years beginning with the date on which this permission is granted.

REASON: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered: 19.098.001LB REV P1; 19.098.002LB REV P1; 19.098.003LB REV P1; 19.098.011LB REV P1; 19.098.012LB REV P1; 19.098.013LB REV P1; 19.098.014LB REV P1; 19.098.015LB REV P1; 19.098.017LB REV P1; 19.098.018LB REV P1; 19.098.020LB REV P1; 19.098.021LB REV P2; 19.098.022LB REV P1; 19.098.025LB; 19.098.026LB; 19.098.027LB; 19.098.028LB; 19.098.029LB; 19.098.032LB REV P2; 19.098.033LB REV P3; 19.098.034LB REV P3; 19.098.035LB REV P2; 19.098.036LB REV P2;

19.098.037LB; 19.098.038LB; 19.098.039LB; 19.098.051LB REV P1; 19.098.055LB REV P1; 19.098.056LB REV P1; 19.098.057LB REV P1; 19.098.060LB REV P2; 19.098.061LB REV P2; 19.098.070LB REV P2; 19.098.071LB REV P2; 19.098 Leas Pavilion D&A v3; *Plus* 19.098 Addendum to Leas Pavilion D&A v1

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. No development shall take place above ground floor slab level of any building on site until details of the proposed structural steel work scheme required to stabilise the masonry within the east and west elements of the Pavilion have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

4. No development shall take place above ground floor slab level of any building on site until detailed elevational drawings at a scale of 1:20 or 1:50 showing all of the terracotta facades of the building to show the size and shape of each block, and marked up to show the extent of the dismantling of the blockwork have been provided to the local planning authority and approved. Details of the repairs, including replacement blocks and repairs to existing blocks shall also be provided and approved – which shall include plans at a scale of 1:2 or 1:5 of all replacement blocks. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

5. No development shall take place above ground floor slab level of any building on site until a sample terracotta block (of any replacement) has been submitted to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved sample.

Reason: To preserve the historic fabric of the listed building.

6. No development shall take place above ground floor slab level of any building on site until details of the proposed restoration of the balustrades to the forecourt approach steps, the missing balustrade to the change of level between the upper and lower terrace levels and repairs to the street balustrade have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve this feature of architectural importance.

7. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:10 or 1:20 which show the junction of the terracotta plinth of the flatted development and the existing terracotta blockwork of the existing building have been provided to the local planning authority and

approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

8. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:10 or 1:20 of all replacement joinery and replacement entry doors have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

9. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:10 or 1:20 of the joinery and construction of the reinstated lantern light have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

10. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:10 or 1:20 of the junction between the 'bridge' element of the new development and the roof of the Pavilion have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

11. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:10 or 1:20 of the arrangement of all the reinstatement plasterwork to the main hall and galleries (including piers columns, arches, projecting balconies, soffits and ceiling mouldings) have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

12. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:1 or 1:2 of the reinstated moulded plasterwork have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

13. No development shall take place above ground floor slab level of any building on site until detailed plans at a scale of 1:50 of the internal floor finishes have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

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Reason: To preserve the historic fabric of the listed building.

14. No development shall take place above ground floor slab level of any building on site until details of the proposed method of waterproofing the external sunken courtyard, together with the paving material have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

15. All rainwater goods are to be constructed of cast iron.

Reason: To preserve the historic fabric of the listed building.

16. No development shall take place above ground floor slab level of any building on site until details of the decorative scheme for the internal spaces, external joinery and any metalwork have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

17. No development shall take place above ground floor slab level of any building on site until details of any metalwork or handrails have been provided to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason: To preserve the historic fabric of the listed building.

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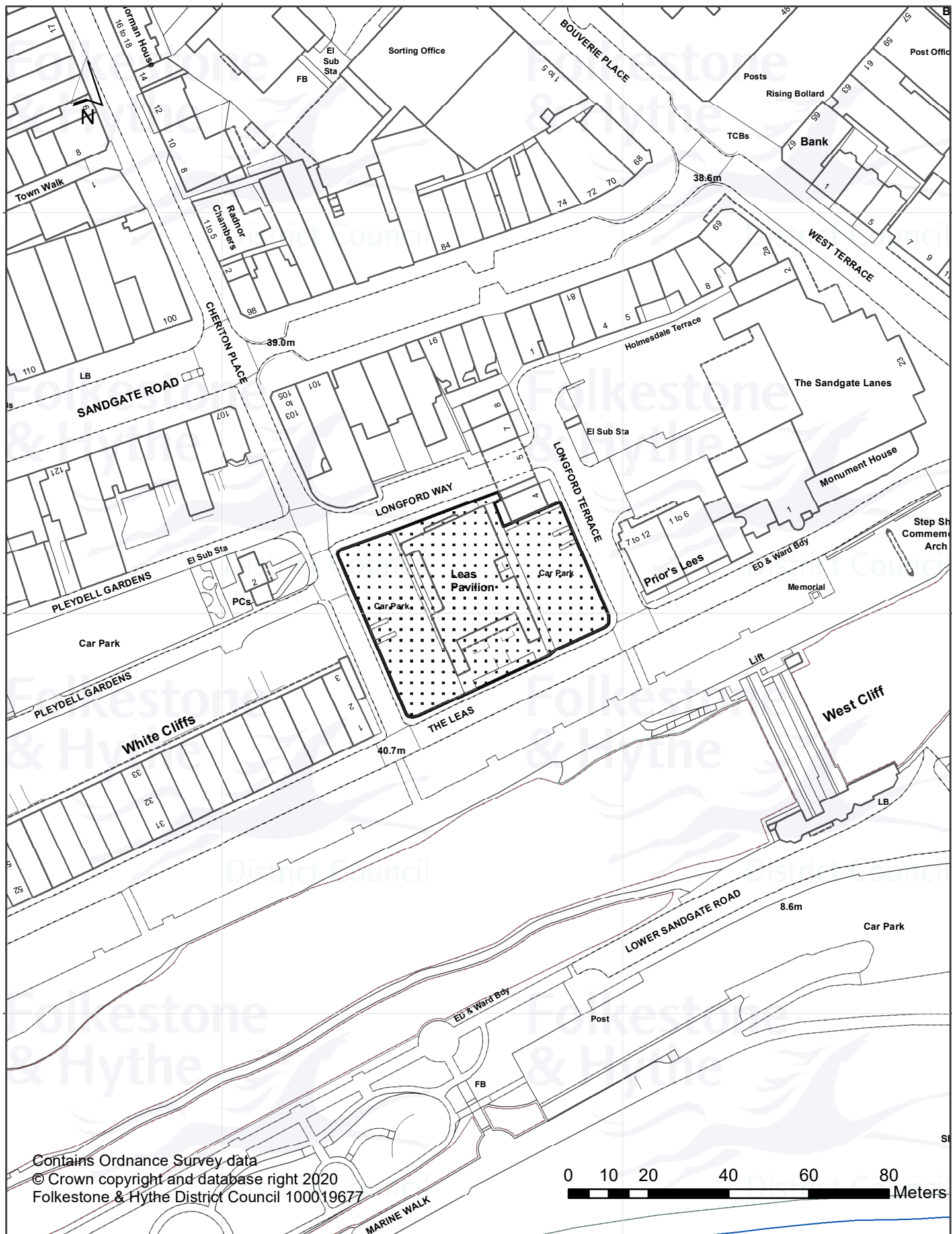
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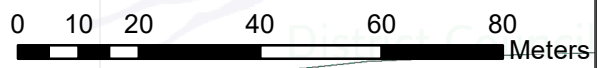
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Application No:	Y19/0925/FH
Location of Site:	Land adjoining Turner Court, Romney Avenue, Folkestone
Development:	Erection of 8 two storey dwellings with associated parking, access and retaining walls (resubmission of Y18/1013/FH)
Applicant:	Village Homes Folkestone Ltd
Agent:	CL Architects 127 Sandgate Road Folkestone
Officer Contact:	Lisette Patching

SUMMARY

The site is located within the settlement boundary and as such the principle of development is considered to be acceptable in this location. Planning permission has previously been refused for 10 dwellings on the site in 2019. The material planning considerations for Members to consider are whether the previous grounds of refusal have been overcome in respect of design and layout; ecology, sustainable urban drainage; ground water; land stability; site levels; national space standards and contamination; as well as highway safety. The scheme has been amended since the previous refusal of planning permission and since the submission of this current application and additional reports have been submitted. For the reasons set out in the report it is considered that, with the exception of garden sizes, the previous grounds for refusal have been overcome, sufficient information has been provided and the revised scheme is now considered acceptable.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee at the request of Cllr Prater as he considers that the previous grounds for refusal remain valid; to give Councillors an opportunity to review the development and neighbours a chance to make direct representations; and to see what development conditions will be brought forward for the site.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located on the south eastern side of Romney Avenue, opposite Freemantle Road. The site slopes steeply up from the Enbrook Road end and although it is relatively flat on the front section, there is a steep bank on the rear part. The site is open from the road but at the time of the officer's site visit it was inaccessible as it

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was overgrown with nettles, brambles and some bamboo. There is a mixture of mature trees on the rear bank comprising mainly sycamores with some evergreen species.

- 2.2. The site is surrounded by residential development. Turner Court, immediately to the southwest, is a two storey terraced building with a shallow pitched roof. There is a 1.8m high closed boarded fence along the boundary with the application site. Opposite and at the top end of the site are two storey dwellings. On the corner of Romney Avenue and Enbrook Road is a block of 3 storey flats. The site backs on to two storey dwellings in Southernwood Rise and Eversley Way, which are at the top of the bank and at a significantly higher level than the front of the site. Materials in Romney Avenue are predominantly yellow brick with tile hanging or cladding above and a variety of roof tiles.
- 2.3. The site is within the Enbrook Valley Character Area of the Sandgate Design Statement 2013.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

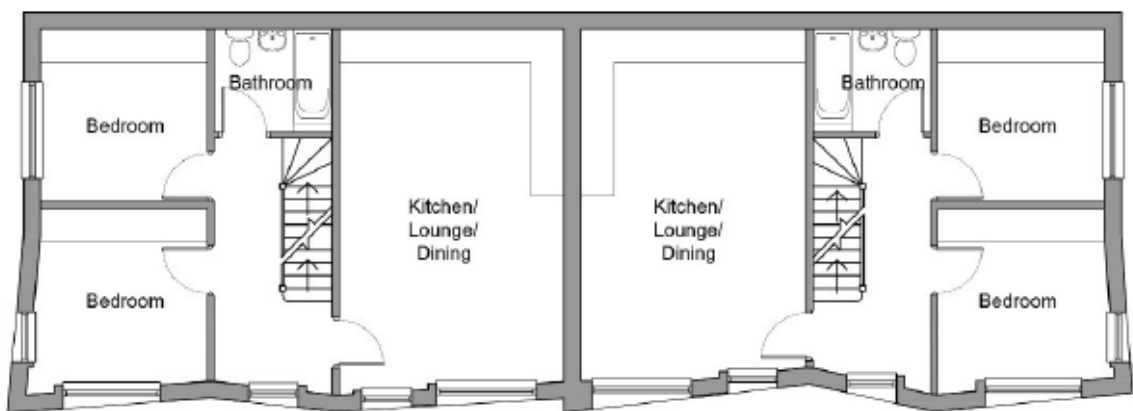
- 3.1 Full planning permission is sought for the erection of eight semi-detached dwellings. These are proposed to be positioned on the flattest parts of the site and avoiding the steepest parts of the bank, which would remain undeveloped.



- 3.2 At the north-eastern (top) end of the site, fronting Romney Avenue, would be one pair of 3 storey, 3-4 bed properties. The accommodation is designed to be flexible as the

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top floor can be used as either a bedroom or living room. Each has 2 allocated off street parking spaces including an integral carport. These are separated from the remainder of the proposed development at the south-western (bottom) end of the site by the steep vegetated bank. Following discussions with officers these are of a different design to the other buildings, having been designed to sit into the sloping site. In order to avoid the need for unattractive retained walls to create garden areas, the usable amenity space is provided as a roof terrace adjacent to the top floor bedroom/living area. There would be an overhanging red brick first floor. Fronting Romney Avenue this would be an undulating façade with the windows being set back within the façade to create depth and there would brick panelling to the rear elevation. Grey brickwork is shown to the ground floor on a ragstone base, and the second floor would be a timber clad pod set back on the roof for the bedroom/living room together with a wooden pergola over the roof terrace. The pod was originally shown to be metal clad but at the request of the planning officer this has been changed to wood cladding to better integrate into the wooded hillside behind.



Proposed First Floor Plan

1:100

- 3.3 At the south western end of the site the dwellings are proposed to be two storey with pitched roofs. Two pairs of semi-detached properties would be positioned each side

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of a new access road and would front Romney Avenue. One pair being four bed and one pair being 3 bed. The access road would lead to a further pair of four bed dwellings together with a turning head and parking spaces. All the dwellings would have two allocated off street parking spaces either to the front or rear. There would also be one visitor parking space to the rear. The dwellings are designed to be stepped up the slope to reflect the sloping road and site. The design and materials for these 6 units are identical, with red and grey brick walls and slate roofs.



3.4 The following reports were submitted by the applicant in support of the proposals:

- Design and Access Statement
- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Geoenvironmental Site Investigation and Slope Stability Report
- Construction Stability Assessment
- Ground Water Assessment
- Desk Study Report (Contamination)
- Preliminary Ecological Appraisal
- Badger Survey
- Reptile Survey

3.5 The Transport Statement considers the current level of use of Romney Avenue by vehicles and pedestrians; the accessibility of the site to public transport, current parking levels, access points and junction visibility. It concludes that the site has good accessibility by public transport to a range of shops and employment by foot, bus and train; the development would accommodate a high level of car ownership onsite and any street parking resulting from it would cause no problems due to existing low level of on street parking. The access road junction and frontage parking would have excellent visibility. The report concludes that there is no transport reason why the development should not be permitted.

3.6 The Flood Risk Assessment and Drainage Strategy assesses flood risk and provides guidance on the method of surface water disposal for the proposed residential development. The report reviews the site topography, geology, hydrogeology and hydrology; existing drainage as well as the proposed permeable and impermeable surfaces and the foul and surface water drainage strategy. It concludes that the disposal of foul water can be via a connection to the public foul sewer in Romney

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Avenue. Surface water can satisfactorily be dealt with by draining to a geocellular attenuation tank, with a hydro brake downstream from the tank to restrict discharge into the public sewer at a rate of 2 l/s for the 1:100 year event. The conclusion of the report is that the site can be satisfactorily drained.

- 3.7 The Geoenvironmental Site Investigation and Slope Stability Report follows a geotechnical site investigation and slope stability analysis carried out on the site which comprised a desk study of historical data, boreholes and soil testing. This identified that the site comprises a 10 metre high slope over two thirds of its area that is overgrown with trees and a remaining third that had been temporarily levelled with loose fill during the investigation and would form the development area. The existing slope and fill area were calculated to be stable but close to failure. The report identifies that the fill must be stabilised before being used by heavy plant and that any excavations would require retaining structures. A bored pile or sheet pile retaining wall solution is recommended, which must be installed in advance of significant excavation. The report also recommends that the existing upper slope be visually monitored and the vegetation left in place and maintained in order to improve stability. If this is unsatisfactory or found to be unsustainable, a soil nailing solution could be investigated. This would require the clearance of most of the existing trees. The report states that no construction on the upper slope will be possible. Pile foundations are recommended for the houses. In terms of contamination the risks were assessed as low with the levels of contamination measured in the soil being below the limits of detection or less than adopted criteria for residential gardens. No remediation measures are considered necessary for contamination.
- 3.8 The purpose of the Construction Stability Assessment is to assess slope stability and safe methods of working and the construction of the proposed development. The report concludes that the site is stable but that specialist design would be required to maintain slope integrity; significant retaining structures would be required to maintain slope stability but it is possible to configure a piled retaining wall tying that wall into the building structures or other foundations to provide propping to ensure that the wall retains the soil behind; retention of the trees and planting on the steepest parts of the site would continue to provide stability; the construction of the initial piled retaining walls would require the use of specialist piling equipment designed for use on steep slopes and difficult soft terrain; once the initial wall is in place it would act as temporary works to allow the permanent additional propping foundations to be excavated and installed; all temporary and permanent works design and construction must only be undertaken by suitable qualified and experienced engineers and contractors to ensure slope stability and ground integrity is maintained throughout. The report concludes that with care and the use of suitably equipped competent and experienced specialist contractors, the site can be constructed safely.
- 3.9 The Ground Water Assessment was requested by the planning officer due to ground water having been identified within the site and the need for it to be adequately dealt with during and after any development of the site. The site investigation identified that groundwater levels are shallow on parts of the site with evidence that water comes out of the ground at about 37m AOD. The report contributes the majority of the groundwater on the site to rainfall with some from the land above. At times of heavier rainfall and in the winter months when trees and plants are less active, groundwater builds up such that on a steeply sloping sites it can spring out of the ground as is the case on this site. The report identifies that the retaining walls required for the proposed development would require drainage behind them to ensure that any surplus groundwater would not build up behind the walls and compromise their structural

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integrity. It is proposed that the detailed design incorporates a series of weepholes throughout the walls in order to allow groundwater to flow through the wall. That water would be collected at the base of the wall in a simple gravel filled filter drain to allow the water to naturally infiltrate away. This is an accepted and established means of dealing with water from weepholes. As the developed part of the site would be designed with a suitable attenuated surface water drainage system that would capture and store all rainfall before discharging to the public sewer at an agreed flow rate, there would be a lot less water entering the ground to contribute to local groundwater levels. During construction it is anticipated that the contractor would provide temporary catchpits and sumps to capture any encountered groundwater from where it can be pumped to an offsite outfall under temporary licence from the drainage authority or to a bowser from where the water would be disposed of offsite to a suitably licenced facility. All of these suggested techniques are well understood by competent contractors. It is expected that the site would become drier following development as the bulk of the rainfall would be captured by the onsite drainage system.

3.10 The Desk Study Report on contamination contains the results of an investigation into the site history and a site walkover. These identified that the site has been undeveloped throughout its recorded history. No adjacent potential sources of contamination were identified and no indications of former tanks, spills or waste were observed during the site walkover. The conclusions of the report are that environmental risks to site occupants, surface waters, ground waters, ecological systems and other receptors is low.

3.11 The Preliminary Ecological Appraisal identified potential for breeding birds, roosting bats, badgers, reptiles and hedgehogs and the need for a reptile survey. The required reptile and badger surveys have been carried out. Due to the risk of persecution the results of the badger survey cannot be made public. No reptiles were found in any of the seven surveys carried out on the site. Therefore the report concludes that no mitigation measures for reptiles are necessary. Mitigation is required for badgers.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/1013/FH	Erection of 10 three storey dwellings with associated parking and access roads	Refused 24.01.19
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council:

No objection subject to confirmation that parking provisions complies with FHDC policy.

KCC Highways and Transportation:

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06.05.20 - Provision of parking for plots 7 and 8 in tandem form is slightly disappointing as less user friendly for potential residents. This would only require an additional single visitor parking space to rectify. This is not an issue of such scale that I could recommend refusal. Previous comments, recommended conditions and informative remain valid.

11.09.19 No objection subject to conditions relating to Construction Management Plan; measures to prevent discharge of surface water from private drives onto the highway; provision and retention of parking and turning spaces and cycle parking; gradient of accesses; reasonable endeavours to implement Traffic Regulation Order.

KCC Ecology:

No objection subject to mitigation measures and ecological enhancements being secured by condition and an information regarding breeding birds

Southern Water:

A formal application for connection to the public sewerage system is required in order to service this development. Discharge of surface water runoff to public sewer shall not exceed the approved peak flow rate of 2l/s and shall be secured by the use of flow restriction device. The disposal of surface water should be in compliance with Part H3 of the Building Regulations. Any sewer found crossing the site would require an investigation to ascertain its ownership before any further works commence on site.

The proposed onsite foul drainage is not designed to adoptable standards. Attenuation tank shall not be located within 5 metres of adoptable sewers.

The proposed onsite surface water drainage is not adoptable by Southern Water.

Request condition requiring details of foul and surface water disposal to be submitted and approved prior to construction of development. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

Contamination Consultant:

Submitted contamination report is relevant to part 1 of the Council's standard condition. It is acknowledged that the degree of contamination associated with the site history is likely to be slight. However, further detail is required on the provenance and chemical status of the imported materials used to build the development platform. Recommend that soil chemistry in the development area is subject to basic characterisation via laboratory testing. In addition, further consideration is required on the degree of ground gas risk associated with the presence of peat deposits. Does not recommend discharge of any parts of the condition until further information is supplied.

Landscape and Urban Design Officer:

Regarding the plans for the above I can confirm that we worked closely with the agent/architect on various elements of the design, notably the two upper houses, which have changed to a more contemporary style with the roof terrace. The main issue that had to be considered for these two plots was the potential for a large retaining wall. These are often quite dominant structures that are not generally pleasant to see. A decision was made during the development of the masterplan to incorporate this engineering structure into these two houses.

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These two units stand away from the main body of the development, which is situated towards the bottom of the hill. As there are a mix of architectural styles within the area, it was felt that these two units could be unique. The topography of the land around the houses is steep and in order to accommodate more outside space for the residents a roof terrace was considered appropriate. This combined with the eclectic mix of architectural styles within the immediate area suggested that contemporary architecture would create something distinctive, which would be both practical and make a positive contribution to the character of the streetscape.

Local Residents Comments

- 5.2 36 neighbours directly consulted. 10 letters of objection received.
- 5.3 Comments received from the Sandgate Society objecting on grounds of loss of wildlife and biodiversity and disturbance to badgers and foxes.
- 5.4 I have read all of the letters received. The key issues are summarised below:

Objections

- High density
- Overcrowded
- Loss of wildlife habitat
- Impact on badgers and other wildlife
- Concern will increase water run-off onto neighbouring land
- Landslip area
- Accesses to Units 7 and 8 dangerous
- Damage to road surface during construction
- Increase in on-street parking
- Increased traffic
- Highway safety
- Loss of light
- Overshadowing
- Loss of privacy from Units 7 and 8
- Subsidence due to loss of trees
- Disruption to residents
- Noise and disturbance during construction

General Comments

- Request traffic calming in Romney Avenue if permitted.

Ward Member

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- 5.4 Previous grounds of refusal have not been fully addressed including overdevelopment; units to rear will resemble a back garden development out of keeping with area; surface water strategy unacceptable as predicated on assumptions that are not true as site has a number of streams and water arisings; site stability - can't see how units 7 and 8 can be constructed without remove a significant proportion of the bank in breach of stability report; insufficient information on building heights; are garden spaces adequate as they are smaller than others nearby; is number of units is reasonable, especially next to elderly people's block; desktop contamination is insufficient, there will have been potential dumping over the years and a full on site surface contamination report is required.
- 5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved polices of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013) (SDLP) – Saved Policies

Policy SD1 – Sustainable Development

Policy HO1 - Housing land supply

Policy HO2 (G) - Land supply requirements 2001-2011

Policy BE1 - Standards expected for new development in terms of layout, design, materials etc.

Policy BE16 - Requirement for comprehensive landscaping schemes

Policy U2 - Five dwellings or more or equivalent to be connected to mains drainage

Policy CO11 - Protection of protected species and their habitat

TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes

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Policy TR11 - Accesses onto highway network

Policy TR12 - Vehicle parking standards

Shepway Local Plan Core Strategy (2013)

Policy DSD – Delivering Sustainable Development

Policy SS1 - District Spatial Strategy

Policy SS2 - Housing and the Economy Growth Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS5 - District Infrastructure Planning

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Policy CSD5 - Water and Coastal Environmental Management

Places and Policies Local Plan Submission Draft (2019) (PPLP)

Policy HB1 – Quality Places through Design

Policy HB3 - Internal and External Space Standards

Policy C3 - Provision of Open Space

Policy T2 - Parking Standards

Policy T3 - Residential Garages

Policy T5 - Cycle Parking

Policy NE2 – Biodiversity

Policy NE6 - Land Stability

Policy NE7 - Contaminated Land

Policy CC2 - Sustainable Design and Construction

Policy CC3 - Sustainable Drainage Systems (SuDS)

Core Strategy Review Submission draft (2019)

Policy SS1 – District Spatial Strategy

Policy SS2 - Housing and the Economy Growth Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS5 - District Infrastructure Planning

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Policy CSD5 - Water and Coastal Environmental Management

6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Sandgate Design Statement 2013

Policy SDS1 – Compliance with the Sandgate Design Statement

Policy SDS2 – Compliance with the Development Plan

Policy SDS5 - Character Areas (Enbrook Valley Character Area)

Policy SDS6 – Street Scene Detailing

Policy SDS8 – Development in areas of increased landslip risk

Policy SDS11 – Traffic and Parking

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 63 – Criteria for seeking provision of affordable housing

Paragraph 68 – Contribution of small and medium sized sites to meeting housing requirement

Paragraph 108 – Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road networked would be severe.

Paragraph 117 – Making effective use of land

Paragraph 127 -130 – Achieving well designed places

Paragraph 175 – Habitats and biodiversity

Paragraph 178 – Ground contamination

Paragraph 179 – Contamination and land stability – responsibility for securing a safe development rests with the developer and/or landowner.

National Planning Policy Guidance (NPPG)

Design: process and tools

Land affected by contamination

Land stability

Natural Environment

National Design Guide October 2019

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- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 '*Well designed places are visually attractive and aim to delight their occupants and passers-by*'.
- N3 - Support rich and varied biodiversity

7. APPRAISAL

7.1 In light of the above and the reasons for the refusal of the previous application, the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Ecology and biodiversity
- e) Contamination
- f) Drainage
- g) Land stability
- h) Highway safety

Principle of development and sustainability

7.2 The site lies within the settlement boundary of Folkestone and as such the principle of residential development on this site is acceptable. It is also located close to local shops, primary and secondary schools and Folkestone West Railway Station. Romney Avenue is on a bus route so there is access to Folkestone Town Centre by public transport. Given this, the site is considered to be a sustainable location for residential development.

7.3 Planning permission has recently been refused for 10 houses on the site under Y18/1013/FH. The principle of residential development on the site was considered acceptable but there were a number of concerns with the proposal as summarised below:

1. Lack of preliminary ecological appraisal
2. Height, bulk, layout, design, materials and overall appearance would have a detrimental impact on the character of the local area.
3. Insufficient information on surface water drainage and impact on slope stability
4. Insufficient information on impact of development on land stability and impacts of any necessary engineering solutions on the character of the area.
5. Insufficient information on existing and proposed site levels and how these would affect height of development.
6. Proposed garden sizes would not meet external space standards.

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7. Insufficient information on possible ground contamination.

- 7.4 The site was allocated for residential development as a part of a larger site under saved policy HO2 (G) of the SDLP. The overall allocated site extends to the south to Southernwood Rise. That policy requires that the development of the whole allocation incorporates the provision of a footpath link from Southernwood Rise to Romney Avenue and improvements to the nearby open space at the rear of Darnley Close. When the previous application was determined, the lack of a footpath link and open space improvements within that scheme were not grounds of refusal. This was because the remainder of the allocation is in separate ownership and has been built out separately with two dwellings and there was no requirement under that planning permission for a footpath link or open space improvements. However, it was noted in the officer report for Y18/1013/FH that any scheme on this current site would be expected to provide significant landscaping to compensate for not providing open space improvements.
- 7.5 Since the previous refusal the agent has worked with officers to overcome the concerns relating to design and layout. The scheme now proposed has been reduced from 10 dwellings to eight dwellings, the design and external materials of the dwellings changed and the application is accompanied by all of the required reports.

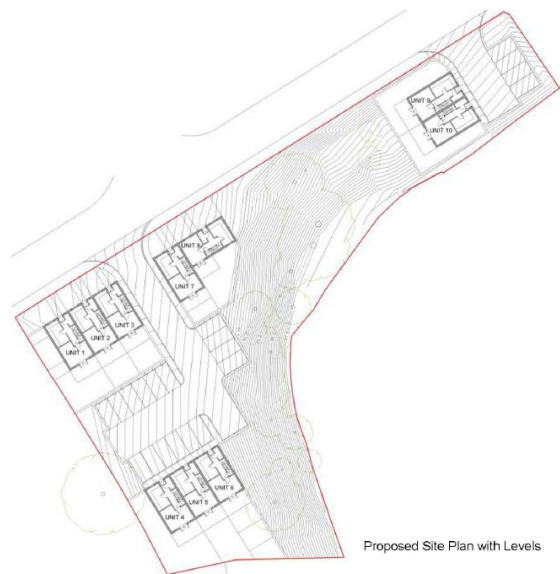
Design/layout/visual amenity

- 7.6 The Sandgate Design Statement identifies the key characteristics of the Enbrook Valley Character Area as being one, two and three storey semi-detached and terraced properties with concrete tiled pitched roofs and yellow brick and white and green weatherboarded walls. Front gardens are generally of a good size and laid to grass with an open plan character.
- 7.7 In the previous application the dwellings were proposed to be three storeys high and included two terraces of three units at the lower end of the site, as shown on the drawing below.



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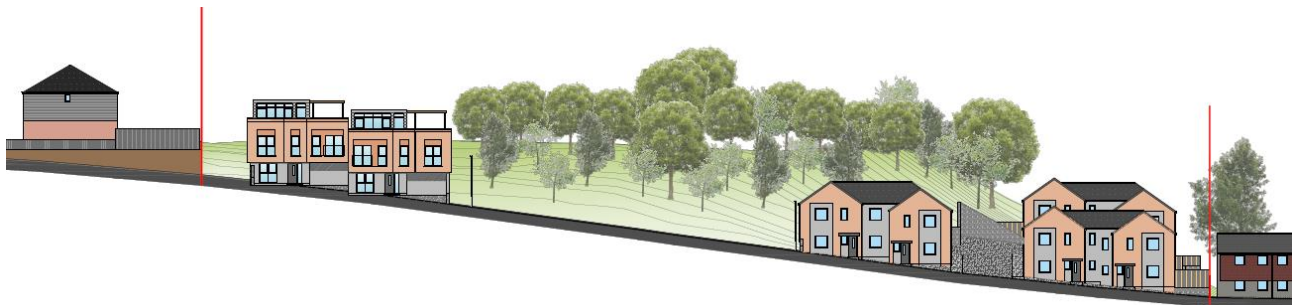
The semi-detached pair proposed at the top of the site were designed to side on to Romney Avenue, as shown on the drawings below.



- 7.8 Following discussions with the agent, not only has the number of units been reduced from ten to 8 but the height of the six units at the lower end of the site has been reduced to two storeys, the design amended to introduce more interest to the front elevations and the brick colours changed to a mix of red and grey, which results in less austere and dark facades. The units at the top of the site have been repositioned so that they now front Romney Avenue, which is visually appropriate in the streetscene. It was considered that as these two dwellings are visually separate from the rest of the development due to their position on the site, they could accommodate a more exciting design to allow them to better integrate both visually and physically into the hillside in order to avoid the need for visible unattractive retaining structures. Although they remain three storeys, the top floor accommodation is set back from the front façades and only occupies half of the width of the unit, with the remaining comprising a roof terrace with pergola. The top floor would be timber clad and have the appearance of a lightweight pod, thus reducing the impact of the height of the buildings. The undulating front façade inset with windows running parallel to the ground floor façade would create depth and interest, as would the inset ground floor, which would create the appearance of the first floor floating over it. The brick colours now proposed are a light red brick first floor, with a light grey brick ground floor, again resulting in a less austere appearance. The design of the buildings is considered to be a significant improvement on the previous scheme and they would contribute positively to the streetscene. It is accepted that the design of all the units is different from that of the neighbouring buildings but it is not considered appropriate to replicate that 1960s/70s style, nor the style of the more recent building at the junction of Romney Avenue and Enbrook Road. The application site has a large frontage to the street and can accommodate a different design style.
- 7.9 With regard to the Sandgate Design Statement, the storey heights and open plan front gardens are in accordance with the identified key characteristics of the area. The brick colour differs from the predominating in the area as red and grey is proposed, as opposed to yellow. However given the large frontage of this site it is considered that it can accommodate a development of different coloured brick as it would be seen as a more modern addition to the area.

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- 7.10 With regard to the height of the proposed buildings, although the units fronting Romney Avenue adjacent to Turner Court would be taller than Turner Court, this is partly due to the rising land levels and partly to the design of the buildings. The size of the site is such that visually it can accommodate taller buildings without them appearing dominating. Given the separation distance from Turner Court and the fact the section of the building that is above the height of Turner Court is the roof slope it is not considered that the proposed building would appear dominant or overbearing. The two dwellings to the rear would be at a higher level than the front two but again this is due to the rising land levels and is considered acceptable as the buildings are set back from the road frontage and Turner Court. The two units at the top of the site would be set into the slope and would be at a lower height than the existing dwellings above them.
- 7.11 In terms of design, layout, materials and overall appearance in the streetscene the proposed development is considered acceptable and in overall accordance with the Sandgate Design Statement.



Residential Amenity

- 7.12 The properties closest to the proposed dwellings are Turner Court and 3 and 4 Sandgate Mews at each end of the site. The properties to the rear of the site in Southernwood Rise and Eversley Way are located at the top of the slope and so are at a significantly higher level than the proposed dwellings. As such they would look over the top of the new dwellings and would not be affected by any loss of privacy or overbearing impacts. There are no windows in the side elevation of Turner Court facing the application site and due to the position of the front two dwellings roughly in line with Turner Court, the separation distance of 3 metres from the boundary to the side wall of the proposed dwelling and the orientation of the site, there would not be any unacceptable overshadowing or overbearing impacts on Turner Court. The two units proposed to the rear are set far enough back that even with their elevated position they would not have an unacceptable impact on the amenity of residents in Turner Court either from interlooking, overshadowing or being overbearing. There is potential for overlooking of the amenity area to the rear of Turner Court from the front windows of the closest unit but this amenity area is already overlooked by windows in Turner Court itself so there would not be any greater loss of privacy than already exists.
- 7.13 The dwellings at the top of the site are proposed to have two bedroom windows at first floor level in the east elevation facing the rear of the property in Eversley Way. However, these would be level with the boundary fencing to the rear of No. 3 Eversley Way and so would not result in any overlooking. There are no windows proposed at second floor level in this elevation.

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7.14 With regard to the amenity of future occupants of the proposed dwellings, a ground for refusal on the previous application was that the garden sizes were significantly below the standards set out in policy HB3 of the PPLP. This policy requires gardens of at least 10 metres in depth and the width of the dwelling in order to provide an acceptable standard of amenity for the health and well-being of the occupants. Although the garden sizes have improved from the previous scheme, Units 3, 5 and 6 still have gardens less than 10 metres in depth with the garden of Unit 3 being between 7 – 9 metres and those of Units 5 and 6 and 7 being approximately 6 metres and 7 metres respectively. The main areas of roof terraces of Units 7 and 8 are approximately 6.5m x 3.7m. While these gardens don't meet the 10 metre policy requirement they are of a reasonable width and Unit 3 also has a side garden. The problem in achieving larger gardens is due to the topography of the site as the steepness of the embankment restricts the amount of usable space available. Not meeting the policy requirement for garden sizes needs to be balanced against the requirement in government policy to make effective use of land. The only way to achieve the policy requirement for garden sizes would likely render this already constrained site unviable as less units would be achievable. Therefore, in this instance it is not recommended that planning permission be refused on this ground. In all other respects the proposed development is considered to provide an acceptable standard of amenity for future occupants and all units meet the internal space standards for room sizes.

Ecology and biodiversity

7.15 As the site is overgrown with scrub and contains trees and shrubs it currently contributes to the biodiversity and ecology of the area. The proposed scheme would enable the development of the site while still retaining a significant area as wildlife habitat. The steep tree covered embankment would be retained as an undeveloped area and it is important that it is properly managed and maintained. Its retention and proper maintenance can be secured by condition. The Preliminary Ecological Appraisal submitted with the application identified potential for breeding birds, roosting bats, badgers, reptiles and hedgehogs and the required reptile and badger surveys have been submitted. No reptiles were found on the site. The KCC Ecologists is satisfied with the reports and the mitigation measures proposed. The badger survey recommends a mitigation strategy which is considered appropriate and can be required by condition. A licence from Natural England would also be required but this is outside of the planning process. Any work to vegetation that may provide suitable nesting habitats for birds should be carried out outside of the bird breeding season and this is covered by separate legislation. It is also important to secure ecological enhancements on the site and the requirements for these can be satisfactorily required by condition. Therefore, the previous ground of refusal relating to the lack of an ecological appraisal and the potential adverse impacts on ecology are considered to have been sufficiently addressed and demonstrated to be acceptable. As such, there are now no ecological grounds for refusal planning permission. The development would involve the loss of several trees at the top of the site in order to accommodate units 7 and 8 but as all the trees on the rear slope are proposed to be retained this is not considered to be an unacceptable or unreasonable loss.

Contamination

7.16 The Contamination report submitted with the application identifies the risk of existing contamination on the site as being low. The Council's Contamination Consultant agrees with the findings but identifies the need to ensure that any imported material required for the development platform is free from contamination. The standard contamination condition contains the necessary requirements to satisfactorily deal with

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this issue, therefore there are no grounds for refusing planning permission in this regard.

Drainage

- 7.17 It is proposed that foul water and surface water drainage are disposed of by connection to the public sewer in Romney Avenue. Southern Water has no objection to this subject to the discharge of surface water being controlled so that it does not exceed 2 l/s. This is proposed to be achieved by the use of a geocellular attenuation tank and hydrobrake system. The proposed location of the attenuation tanks is not currently acceptable to Southern Water and they have requested a condition requiring further details.
- 7.18 Ground water has been identified within the site and this cannot be disposed of via the Southern Water sewer. The ground water has been identified as saturation arising from periods of heavy rainfall rather than the existence of underground streams or springs. The application details propose to deal with this by the provision of weepholes in the retaining walls in order to allow ground water to flow through them to prevent build up behind the walls which could compromise their integrity. The water would then be collected at the base of the wall in simple gravel filled filter drains to allow the water to naturally infiltrate away. This is an accepted and established means of dealing with water from weepholes. As the developed part of the site would be designed with a suitable attenuated surface water drainage system that would capture and store all surface rainfall before discharging to the public sewer at an agreed flow rate, there would be less water entering the ground and adding to groundwater levels than is currently the case. It is important that groundwater is also dealt with during construction. This could be by the provision of temporary catchpits and sumps to capture any encountered groundwater from where it can be pumped to an offsite outfall or to a bowser from where the water would be disposed of offsite to a suitably licenced facility. Adequate measures for dealing with groundwater both during construction and during the lifetime of the development can be secured by conditions.

Land stability

- 7.19 The site comprises two main areas. The front third contains levelled fill material and has been identified as being the developable part of the site. The remaining two thirds comprise a 10 metre high slope that is overgrown with trees. Two reports have been submitted with the application regarding safeguarding the stability of the site both during construction and during the lifetime of the development. Following onsite investigation the existing slope and fill area were calculated to be stable but close to failure. No construction on the upper slope is considered possible and none is proposed in the application. It has been identified that the fill must be stabilised before being used by heavy plant and that any excavations would require retaining structures to maintain slope stability. The solution suggested in the reports is a piled retaining wall using specialist piling equipment, to be installed prior to any significant excavation. Once the initial wall is in place it would act as temporary works to allow the permanent additional propping foundations for the houses to be excavated and installed. Piled foundations are recommended for the houses which would be tied in to the retaining wall. The report advises that all design and construction work only be undertaken by suitably qualified and experienced engineers and contractors to ensure slope stability and integrity is maintained throughout the period of construction. It concludes that with care and the use of suitably equipped competent and experience specialist contractors the site can be constructed safely.

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- 7.20 With regard to the upper slope, retention of the trees and planting would continue to provide stability. The report recommends that it be visually monitored over time and the vegetation left in place and maintained in order to improve stability. If monitoring reveals this to be unsatisfactory or it is found to be unsustainable, a soil nailing solution could be investigated. However, this would require the clearance of most of the existing trees and is not the preferred solution of officers.
- 7.21 It has been satisfactorily demonstrated that the site can be safely developed so there are now no grounds for refusing planning permission due to land stability. The requirements for the design and construction work to be carried out by suitably qualified engineers and contractors can be secured by condition, as can the final details of the means of securing the stability of the site and adjoining land during construction works and the design of the retaining wall and foundations for the houses. A condition is also proposed to require a monitoring and management plan for the upper slope to ensure its long term stability.

Highway safety

- 7.22 With the exception of one visitor parking space, adequate parking is required to meet parking standards. As there is adequate on street parking capacity to accommodate one visitor parking space this is not considered sufficient to justify a refusal of planning permission on highway safety grounds and Kent Highways do not support this as a ground of refusal.
- 7.23 Kent Highways has raised no objections and considers the new access to be acceptable in terms of visibility and highway safety. They have requested conditions relating to the provision of a construction management plan, measures to prevent the discharge of surface water on to the highway, retention of parking, turning and cycle spaces, gradient of accesses and reasonable endeavours by the applicant to implement a Traffic Regulation Order. Due to the constraints of the site and the restricted developable area it seems unlikely that construction traffic parking and unloading would be able to take place on the site. By necessity it would have to take place on the highway. Lorry routing is outside the control of the local planning authority as it is not possible to enforce against the use of the public highway. Mud and debris on the road is a matter ultimately for the highway authority to enforce against. Therefore it would not be reasonable in this case to require the submission of a construction management plan. Similarly a condition requiring reasonable endeavours to secure a Traffic Regulation Order is not enforceable as it is open to interpretation as to what constitutes reasonable endeavours. Kent Highways has not recommended refusal if a TRO is not obtained, therefore, it is not reasonable to impose this as a condition as it is not something that is considered necessary to make the development acceptable. The other conditions are considered reasonable and enforceable and will be included in the recommended conditions as the end of the report.

Environmental Impact Assessment

- 7.24 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category as it does not meet the threshold to be considered an urban development project. As such the application does not require screening for likely significant environmental effects.

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Local Finance Considerations

- 7.25 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.26 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £115.71 per square metre for new residential floor space.

Human Rights

- 7.27 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.28 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

- 7.29 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC has worked with the agent for this development in a positive and creative manner to secure an acceptable scheme for the site.

8. CONCLUSION

DC/20/20

- 8.1 This site has a number of constraints but, with the exception of the garden sizes, all the grounds for refusal on the previous application have been satisfactorily overcome. The design and layout of the scheme is now considered acceptable and reports relating to ecology, contamination, land stability and ground water have all been provided and demonstrate that the site can be safely and satisfactorily developed. The necessary measures to secure the stability of the site and secure the long term maintenance of the stability of the slope, protected species and biodiversity can be adequately secured by condition. Although the policy standards for external amenity space cannot be met in full, this is due to the physical constraints of the site and needs to be balanced against the benefits of developing the site to provide housing as well as securing the long term management and stability of the undeveloped part of the site. As such it is recommended that planning permission be granted.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers:

PL01 Rev P1 Site Location Plan

PL05 Rev P3 Proposed Site Plan

PL06 Rev P3 Proposed Site Plan with Levels

PL07 Rev P3 Proposed Romney Avenue Elevation

PL08 Rev P2 Proposed Plans and Elevations of Units 1 and 2

PL09 Rev P2 Proposed Plans and Elevations of Units 3 and 4

PL10 Rev P2 Proposed Plans and Elevations of Units 5 and 6

PL11 Rev P4 Proposed Plans and Elevations of Units 7 and 8

PL020 Rev P1 Proposed Site Sections Views A & B

PL021 Rev P1 Proposed Site Sections Views C & D

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the interests of the visual amenity of the area.

Precommencement

DC/20/20

3. 1. Prior to commencement of the development a further desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall provide further detail on the provenance and chemical status of the imported materials used to build the development platform and shall include details of laboratory testing of the basic characterisation of the soil chemistry in the development area and the results of this. In addition the study shall include further assessment of the degree of ground gas risk associated with the presence of peat deposits. Using this information and the information obtained from the report submitted with the planning application, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If the further desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- A survey of the extent, scale and nature of contamination
 - An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
 - An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

Details are required to be approved prior to the commencement of development on the site because it is necessary that any contamination likely to be present on the site is identified and measures put in place to prevent pollution of the environment before work commences on site in order to ensure the protection of the environment and human health against contamination and pollution in accordance with Places and Policies Local Plan Submission Draft policy NE7 and government advice in the NPPF: 2019 and the NPPG: Land Affected by Contamination.

4. Prior to commencement of the development, including any excavation or land raising, the applicant shall obtain, from a suitably qualified engineer a written report detailing the types of foundations and retaining structures to be used, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services.

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The report should also include a method statement which indicates measures to be adopted during the construction phase, including the specialist equipment to be used, to ensure that development does not cause instability to adjoining retaining walls, land and buildings.

This report shall be in accordance with the findings of the Geoenvironmental and Slope Stability Report and the Construction Stability Assessment submitted with the application.

No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority and all temporary and permanent works, design and construction shall only be undertaken by suitably qualified and experienced engineers and contractors using the necessary specialist equipment to ensure slope stability and ground integrity is maintained throughout.

No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

All works recommended in the approved report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to any buildings being occupied.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to protect the stability of the site, the development and neighbouring land and buildings during construction and for the lifetime of the development as the site lies within an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey in accordance with policy NE6 of the Places and Policies Local Plan Submission Draft and government advice in the NPPF: 2019 and the NPPG: Land Stability .

5. If pile foundations are required, a Piling Risk Assessment (written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination": Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73" must be submitted to and agreed in writing by the Local Planning Authority before any piling work commences on site.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

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6. Prior to the commencement of development, including any excavation or land raising, details of how ground water will be dealt with during construction and during the lifetime of the development shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to deal with the ground water in the site in order to prevent land stability and flooding issues both during construction and throughout the lifetime of the development.

7. Full details of the proposed surface water drainage and sewage disposal, including measures to prevent surface water from being discharged onto the public highway, shall be submitted to and approved by the Local Planning Authority before the development commences. The approved schemes shall be fully operational prior to the occupation of the buildings and thereafter maintained in a functional condition.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure measures can be adequately accommodated within the development and are included as the development progresses.

8. No development shall take place, including any site clearance, excavation or land raising until the following plans and details have been submitted to and approved by the Local Planning Authority:-
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation (within the crown spread of any retained tree or of any tree on land adjacent to the site) (within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree); such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.
 - (e) Details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above, such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.

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(f) Details of how the foundations and other underground works have been designed to take account of tree roots in order to prevent future pressure to remove the trees. Such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendation.

The construction of the development shall be carried out in complete accordance with the approved details.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure the protection of the trees during construction and their long term retention as they are important to the visual amenity of the area and the stability of the slope.

9. From the commencement of any works on the site, including site clearance, all mitigation measures for badgers shall be carried out in accordance with the details contained within Appendix 3 of the Badger Survey (Martin Newcombe July 2018, amended April 2020) unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In order to ensure the protected species is adequately protected and safeguarded during the construction and lifetime of the development.

Prior to construction of buildings

10. No work on the construction of the buildings shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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 the satisfactory appearance of the completed development and in the interests of the visual amenity of the area.

11. Construction of the dwellings shall not commence until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved by the Local Planning Authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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Reason:

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Prior to occupation

12. Prior to the first occupation of each dwelling, the relevant parking and turning areas as shown on the approved plans shall be laid out and suitably surfaced in the approved materials and thereafter kept available for parking and maintained in a useable condition for occupiers and visitors to the dwellings.

Reason:

In order to ensure the provision of adequate off street parking in the interests of highway safety.

13. The gradient of the accesses to the dwellings shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason:

In the interests of highway safety

14. No dwelling shall be occupied until secure and covered cycle parking has been provided within the curtilage of that dwelling for the parking of one bicycle per bedroom.

Reason:

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than by private motorcar in accordance with policy T5 of the Places and Policies Local Plan Submission Draft.

15. Prior to first occupation of any dwelling, a plan for the ongoing management and maintenance of the undeveloped part of the site to include a programme of monitoring of the stability of the slope by a suitably qualified engineer shall be submitted to and approved by the Local Planning Authority. Regular monitoring reports on the stability of the slope and details of any measures required to ensure its ongoing stability shall be provided to the Local Planning Authority at intervals that shall be set out in the approved monitoring programme. Any works identified to be necessary to maintain the stability of the slope shall be first approved by the Local Planning Authority and then carried out within timescales to be agreed with the Local Planning Authority.

Reason:

In the interests of the amenity of the area and the stability of the slope.

16. Details of the positions, design, materials and type of boundary treatment to be erected for each dwelling shall be submitted to and approved by the Local

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Planning Authority and the approved boundary treatment shall be completed before each dwelling is first occupied.

Reason:

In the interests of the visual amenity of the area and the residential amenity of the occupants.

17. None of the buildings hereby approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the part of the site that is to remain undeveloped. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme agreed with the Local Planning Authority and the soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In the interests of the visual amenity and ecology of the area and the stability of the slope.

18. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to ensure adequate detail is provided.

19. No dwelling shall be occupied until adequate space has been made available within the curtilage of each dwelling for the storage of the required receptacles for refuse and recycling.

Reason:

To ensure wheelie bins etc. are not kept on the public highway and in the interests of the visual amenity of the area.

Other

20. No trees on the site shall be lopped, topped or felled without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or which die or are severely damaged or become seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority. The tree works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

Reason:

The trees are important to the visual amenity, biodiversity and ecology of the area and to the stability of the slope.

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21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A,B,E,D and F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

It is necessary for the Local Planning Authority to retain control over extensions, outbuildings and hardsurfacing in the interests of the appearance of the overall development and the underlying land stability, ground water and surface water drainage issues on the site.

22. Within six months of the works commencing on site, including site clearance, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include the recommendations in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology February 2019). The approved details shall be implemented prior to the occupation of the last dwelling to be completed and shall thereafter be retained.

Reason;

In order to secure ecological enhancements on the site in the interests of the ecology and biodiversity of the area.

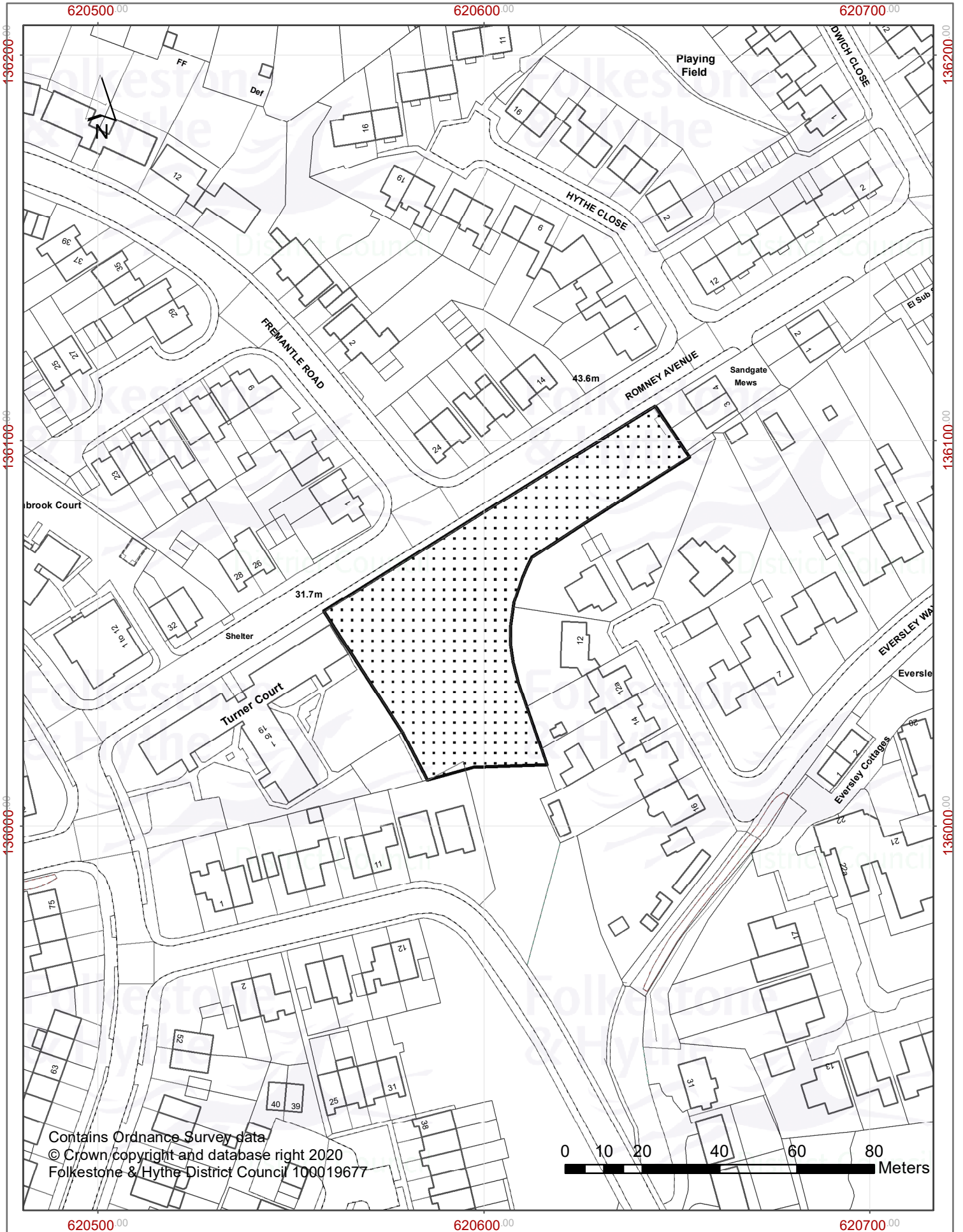
Informatives:

1. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
2. You are reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under the Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

DC/20/20
Appendix 1 – Site Location Plan

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Y19/0925/FH
Land Adjoining Turner Court
Romney Avenue
Folkestone



Contains Ordnance Survey data
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LIST OF DEVELOPMENT PLAN POLICIES

SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy
SS2 - Housing and the Economy Growth Strategy
SS3 - Place Shaping and Sustainable Settlements Strategy
SS4 - Priority Centres of Activity Strategy
SS5 - District Infrastructure Planning
SS6 - Spatial Strategy for Folkestone Seafront
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway
CSD2 - District Residential Needs
CSD3 - Rural and Tourism Development of Shepway
CSD4 - Green Infrastructure of Natural Networks, Open Spaces
and Recreation
CSD5 - Water and Coastal Environmental Management in
Shepway
CSD6 - Central Folkestone Strategy
CSD7 - Hythe Strategy
CSD8 - New Romney Strategy
CSD9 - Sellindge Strategy

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

Chapter 4 – Employment

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

Chapter 5 – Shopping

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

Chapter 6 – Tourism

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens' play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

Chapter 9 – Utilities

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

Chapter 10 – Social and Community Facilities

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

Chapter 11 – Transport

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.

- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.

- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.

- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 22 SEPTEMBER 2020**

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:	Type of Lobbying

SIGNED:

Councillor Name (in CAPS)

When completed, please return this form to the Committee Administrator prior to the meeting.

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PLANNING AND LICENSING COMMITTEE

22nd SEPTEMBER 2020

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

- 1. 20/0530/FH 1 RADNOR PARK ROAD, FOLKESTONE, KENT, CT19 5BW**
(Page 15)

Proposed 4 storey residential development to include 14 units and associated landscaping.

Alice Cook, on behalf of Mr Thomas, neighbour, to speak on application
Cllr Mary Lawes, on behalf of Folkestone Town Council, to speak on application
Leo Griggs, applicant, to speak on application

- 2. 20/0532/FH ROYAL VICTORIA HOSPITAL, RADNOR PARK AVENUE, FOLKESTONE, CT19 5BN.**
(Page 45)

Residential Development at Royal Victoria Hospital site consisting of 19 no. 4 & 5 bed houses and 19no. 1 & 2 bed apartments including associated external works

Cllr Mary Lawes, on behalf of Folkestone Town Council, to speak on application
Leo Griggs, applicant, to speak on application

- 3. 20/0579/FH THE LEAS CLUB, THE LEAS FOLKESTONE, CT20 2DP**
(Page 79)

Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

- 3. 20/0563/FH THE LEAS CLUB, THE LEAS FOLKESTONE, CT20 2DP**
(Page 161)

Listed building consent for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use class (Class C3), and flexible use for community accessibility, assembly and leisure (Class D2),

together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with two parking areas provided at half-basement level, accessed from Longford Terrace and Longford Way.

Mark Hourahane, local resident, to speak against application

Liz Mulqueen, local resident, to speak in support of application

Cllr Richard Wallace, on behalf of Folkestone Town Council, to speak on application

Cllr Laura Davison, ward member, to speak on application

Guy Hollaway, agent, to speak in support of application

**4. Y19/0925/FH LAND ADJOINING TURNER COURT, ROMNEY AVENUE,
(Page 191) FOLKESTONE**

Erection of 8 two storey dwellings with associated parking, access and retaining walls (resubmission of Y18/1013/FH)

Beverley Zalcock, local resident, to speak on application

Cllr Tim Prater, ward member, to speak on application
