

Application No: Y17/0231/SH

Location of Site: Memorial Garden Adjacent Brewery Tap

Development: Erection of a visitor centre with internal and external congregational areas for a temporary period until February 2018.

Applicant: Creative Foundation
Quarterhouse
Mill Bay
Folkestone, Kent
CT20 1BN

Agent: Mrs Ana Ferreira
Carmody Groarke
62-70 Shorts Gardens
London
WC2H 9AH

Date Valid: 28.02.17

Expiry Date: 02.05.17

Date of Committee: 30.05.17

Officer Contact: Louise Daniels

RECOMMENDATION: That temporary planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The proposal seeks permission for a temporary visitor centre to be erected on the Brewery Tap garden for the Folkestone Triennial which is due to take place from 2nd September 2017 until 5th November 2017.
- 1.2 The visitor centre would be positioned against the existing boundary wall and fence which fronts Tontine Street. The building is proposed to be 10m in height against the Tontine Street boundary of the site and would slope down towards the rear of the site towards Mill Bay. The height of the building when viewed from Tontine Street would be level with the ridge of the Brewery Tap building, reducing down to the rear to respond to the sloping topography of Payers Park to the rear. A long window is proposed at street level to the front of the building across Tontine Street.
- 1.3 Accessibility from Payers Park is proposed via a passageway which would link Tontine Street with Mill Bay. The entrance into the visitor centre would be via this passageway into the side of the building. A circular external courtyard is proposed to provide a seating area and the supporting Design and Access Statement describes that this area would work as an antechamber to the internal room. The Design and Access Statement describes the internal curved corners of the building are intended to interplay

with light and form a sculptural effect in space. The intention of the building design is to appear as an abstract volume when viewed from Tontine Street, Payers Park or from inside. The visitors centre would be finished with a textured finish achieved by spraying plaster/concrete.

- 1.4 The Design and Access Statement states that the visitor centre would be able to accommodate 70 people at peak times. The visitor centre would contain external seating, a reception and welcome area, internal seating, an area for people to watch short films, display area for merchandising catalogues maps and postcards and business residencies in office/workshop spaces.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located on Tontine Street, between no. 53, the Brewery Tap (which is used for educational use by the University for the Creative Arts) and 51 Tontine Street which is a cafe. The Quarterhouse is located close to the application site which functions as an art and entertainment venue, and the Glassworks is to the rear of the application site on Mill Bay Road which holds the Folkestone Academy.
- 2.2 The application site is currently undeveloped and contains a memorial garden. There is a memorial plaque to the front of the site on the public footpath which would be retained as part of the proposal.
- 2.3 The site is located within the Folkestone Leas and Bayle Conservation Area and within the locally defined Creative Quarter.

3.0 RELEVANT PLANNING HISTORY

- 3.1 None relevant

4.0 CONSULTATION RESPONSES

- 4.1 Folkestone Town Council
Object to the modern design which some members like and some members strongly dislike. The committee does feel that more of a garden should be constructed reflecting the open area and usage.
- 4.2 KCC Lead Local Flood Authority
As the site is less than 1,00 square metres, it therefore falls outside the definitions of major development and also falls outside of KCC's remit as statutory consultee.
- 4.3 KCC Highways and Transportation
No objection.

5.0 PUBLICITY

- 5.1 Neighbours notified by letter: Expiry date 02 May 2017
- 5.2 Neighbours notified by letter regarding an amendment to the description for a temporary period. The letter was sent for information purposes only and did not invite further comments.

6.0 REPRESENTATIONS

- 6.1 12 letters/emails received objecting on the following grounds:
- Insensitive to the centenary of the air raid on 25 May 1917 and disrespectful to those who died and their families. Memorial should be left.
 - Plans not in keeping with the Conservation Area, a visually harmful design and poor materials.
 - An eyesore and unwelcoming in appearance.
 - No details on the use of the building once the temporary visitor centre is closed
 - There are alternative vacant buildings within the town which could be converted for a visitor centre.
- 6.2 3 letter/emails received in support on the following grounds:
- Good idea but must include a clear plan for the site after the temporary period has finished.
 - There should be a memorial within the congregational area, clearly visible and containing some detailed historical background of the bombing which took place 100 years ago.
 - Design is aesthetically pleasing and will act as a beacon for tourists visiting for the Triennial.
 - Innovative next step in the story of Tontine Street.
- 6.3 Cllr Mary Lawes:
- Number of objections by residents and families of the dead. This will give the families, if they want a chance to have their say.
 - The feeling judging by social media sites is this is inappropriate and insensitive given that this is the 100th anniversary of the bombing on 25 May. I believe that this should be brought to committee to be debated.

7.0 RELEVANT POLICY GUIDANCE

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 7.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, BE4 and TR11
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, SS6 and CSD6.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: Paragraphs 7, 49, 56
National Planning Policy Guidance

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The main considerations in determining this application are the principle of development, design and visual impact, impact on neighbour amenity, impact on highways and other matters raised in the representations.

Principle of Development

8.2 The sensitivity around the development of this site, which is currently used as a memorial garden, is acknowledged however, to plant and maintain this garden as a memorial garden does not require planning permission and therefore neither would planning permission be required for its removal. Although understandably development of this site is a sensitive situation and has attracted a number of objections, for these reasons the Local Planning Authority is not in a position to object to the loss of the memorial garden. The principle of developing this site is therefore acceptable.

Streetscene/Visual Amenity/Design

8.3 Tontine Street falls within the Creative Quarter, an area that is being developed to regenerate Folkestone through the arts, the creative industries and education. The Local Plan also seeks to enhance activity in the Creative Quarter by improved connectivity between the Seafront and the town centre. Tontine Street is densely laid out and characterised by narrow plot curtilages. Tontine Street, due to its winding descent and varied architecture, has considerable visual interest. Sections of Tontine Street are three storeys with high/stucco-frontages with good neo-classical detailing.

8.4 It is considered that the design, scale, bulk and height of the building would appear incongruous in the street scene considering the existing character of the street is of traditional appearance with architectural and historic qualities which contribute positively to the character and appearance of the Folkestone Leas and Bayle Conservation Area. It is acknowledged that some of the buildings are in disrepair due to neglect however as stated within the Conservation Area Appraisal this should not be an excuse for redevelopment as lost detail can be easily reinstated.

8.5 Development within Conservation Areas must comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area'. However paragraph 134 of the NPPF acknowledges that some harm to

Conservation Areas can be outweighed by a degree of public benefit. Whilst the proposal in principle would harm the character and appearance of the Conservation Area due to its design, it is considered that given the application is for a temporary use for the Triennial period only, and would be removed by February 2018, the public benefit that would arise from use of the visitor centre and the increase in footfall along Tontine Street, would outweigh the temporary negative impact upon the character and appearance of the Conservation Area.

- 8.6 Ultimately, as the visitors centre would only be in place for a temporary period, it is considered the character and appearance of the Conservation Area would be preserved in accordance with Section 12 of the NPPF and policy BE4 of the Shepway District Local Plan.

Neighbouring Amenity

- 8.7 In terms of neighbour amenity, there is a one bed residential flat within the roof space of the neighbouring building, the Brewery Tap. However, it is not considered that the proposed visitor centre would cause a detrimental impact upon neighbouring amenity in terms of loss of light due to the separation distance of approximately 3m from the Brewery Tap, and considering the building would slope down from the front elevation. Therefore, in terms of neighbouring amenity, the proposal is considered to be in accordance with saved policy BE8 of the Shepway District Local Plan.

Highways

- 8.8 The site is in a sustainable location with good transport links and public car parks within short walking distance. Therefore, it is not considered that the proposal would raise any negative impacts on highway grounds.

Other

- 8.9 The agent for this application has confirmed that two historic photographs together with information will be displayed inside the visitors centre to acknowledge the events of the past.

Human Rights

- 8.10 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.

- 8.11 The application is reported to Committee at the request of Councillor Mary Lawes.

9.0 SUMMARY

9.1 Overall whilst the design, scale, bulk and height of the building would result in some harm to the street scene, the proposal overall is considered acceptable due to the public benefits that would arise as a result of the proposed visitors centre and increase in footfall along Tontine Street. Furthermore, as the building would only be in place for a temporary time period, on balance it is considered to be acceptable as ultimately the character and appearance of the Conservation Area would be preserved in accordance with Section 12 of the NPPF and policy BE4 of the Shepway District Local Plan.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Time condition to specify removal by February 2018
2. Submitted plans
3. Materials to be submitted
4. Details to make good the land following demolition

Decision of Committee

Y17/0231/SH
Memorial Garden adjacent Brewery Tap
Tontine Street
Folkestone

