

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.

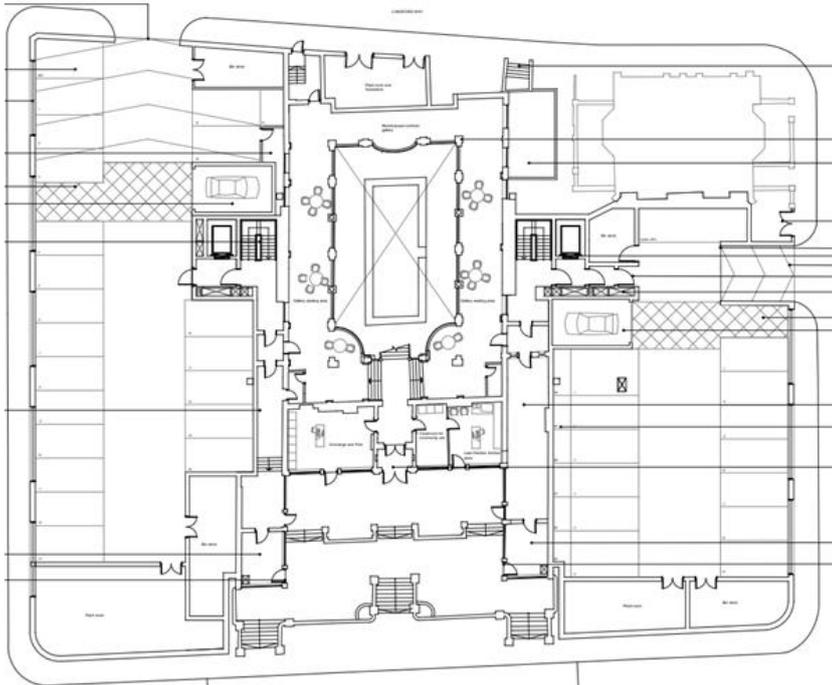


Figure 10 - Ground Floor Plan

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 Lees 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.

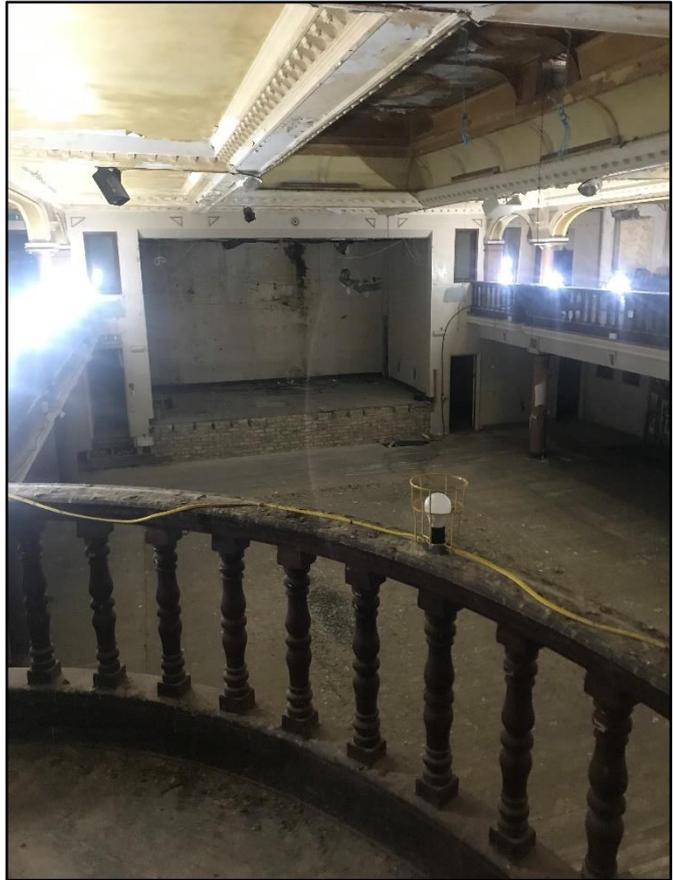
Appendix A (Repairs Notice)

Please refer to pages 155 – 157.

Appendix B (Internal Photographs of the Leas Pavilion)

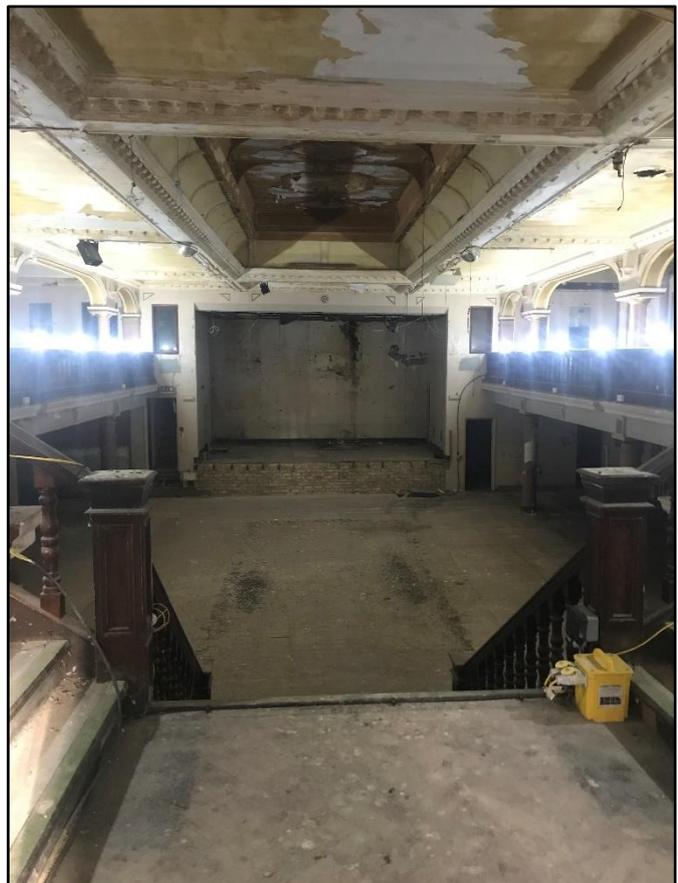
Photograph 1

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.



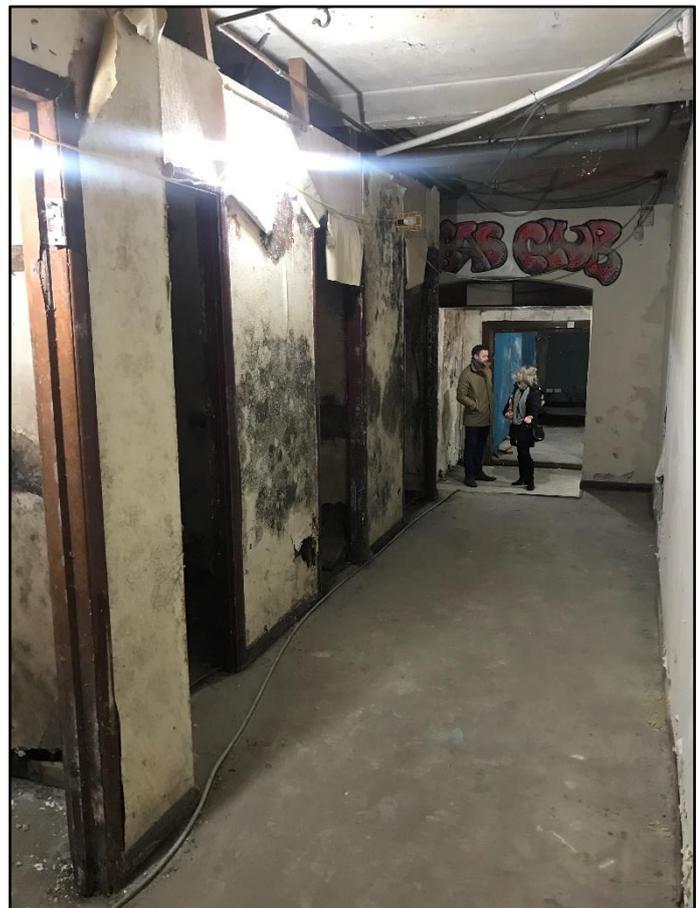
Photograph 5

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.

