

OFFICERS REPORT

Application No: Y16/1391/SH

Location: Dance Easy Studio 19 The Bayle Folkestone Kent CT20 1SQ

Proposal Erection of a three-storey block of six self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of the existing dance hall & garage.

ASSESSMENT

Performance data:-

Date application valid: 29.12.2016

Applicable 8/13/16 week target date: 23.02.2017

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? No

If Yes, revised 8/13/16 week target date: NA

Is the application being determined after 26 weeks without a PPA or a PEA? No.

Location of Site: Dance Easy Studio, 19 The Bayle Folkestone.

Development: Erection of a three storey block of six self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of the existing dance hall & garage.

Applicant: Charlier Construction Ltd

Agent: SI Chartered Surveyors

SITE LOCATION AND DESCRIPTION

The site is the Dance Easy Studio located within the Bayle in the centre of Folkestone Town. The premises is a single storey building located upon the west side of the street approximately mid way within the Bayle. The site is not flat and very gently rises to the west. Located adjacent to the north is the four storey block of flats known as Glendale, to the south is an attached three storey residential premise, to the rear is a small garage and the St Eanswythe School playground and opposite is the Bayle pond and three storey terrace properties. The Bayle is located within the centre of Folkestone Town and within the historic core and therefore is identified as being within the Folkestone, Leas and Bayle Conservation Area. It is also within an area of archaeological interest.

The building dates from the 1930's where it was a traditional dance hall. The building is positioned in line with adjacent properties and addresses the streetscene, sited upon the back edge of the pavement. The building is built of red brick with a parapetted flat roof and has a certain architectural quality with a unified painted masonry cill line and cornice fascia linking the windows which appear to be old timber replacement windows with top hung vents. The

building is currently used as a local entertainment venue as well as a variety of social and community events including, dance, yoga and comedy.

SITE VISIT

A site visit was carried out on the 06.01.2017 where the site was viewed from the public streetscene of the Bayle as well as from the narrow side access to the north where the proximity to the school play ground and neighbouring properties were acknowledged. Photographs were taken as a site record.

PLANNING HISTORY

Y11/0063/SH - Extension to the time limit of planning permission Y06/1454/SH for the erection of a three-storey block of 6 self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Approved with conditions. Approved with conditions.

Y07/1462/SH - Erection of a three storey block of five self contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Approved with conditions.

Y06/1454/SH - Erection of a three storey block of 6 self-contained flats together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Refused by DC Committee. Appeal allowed, permission granted.

Y04/1521/SH - Conservation area consent for demolition of existing dance hall and garage (re-submission of Y04/1308/SH). Approved with conditions.

Y04/1523/SH - Erection of two semi-detached dwellings following demolition of existing dance hall and garage (resubmission of planning application Y04/1250/SH). Approved with conditions.

Y04/1308/SH - Conservation area consent for demolition of existing dance hall and garage. Refused.

Y04/1250/SH - Erection of two semi detached dwellings following demolition of existing dance hall and garage (resubmission of planning application Y04/0783/SH). Refused.

Y04/0783/SH - Erection of two semi detached dwellings and formation of a vehicular access following demolition of existing dance hall and garage. Withdrawn.

THE PROPOSAL

The application proposes to demolish the existing building and garage to the rear and erect a three storey block of six self contained residential flats with associated cycle and refuse store building. The development area is 0.02 h.

The building would have a footprint of approximately 130sqm and an internal floor area of approximately 349 square metres set over three floors. Upon each floor two self contained flats are proposed that would comprise of two bedrooms, a living area, kitchen and bathroom. Proposed to the rear would be a single storey outbuilding for cycle parking and refuse storage. This would have an approximate floor area of 20 sqm and have a height of 3 metres.

The building would be three storey in scale and have an approximate ridge height of 10.5 metres tall and have an eaves level of approximately 8 metres. In siting, the development would be positioned with the front elevation in line with the building line to the south hard to the back edge of the public footway with the main entrance upon the front onto the Bayle. In form and design, the building would be traditional with a slate style tile pitched roof, rendered elevations and timber sliding sash windows.

Located directly behind the main building would be the bin and cycle store. This would be three metres tall in scale and have a floor area of approximately 20 square metres. This would have a gentle sloping pitched tiled roof and brick elevations.

The application has been accompanied with a full set of elevation and floor plans, a design and access statement, and additional information form and information on local social and community facilities.

CONSULTATION RESPONSES

Folkestone Town Council - Objection

The committee accepts that the proposal of a small block of flats has been established by earlier planning applications but notes that parking standards in the town centre may now be a legitimate point of objection. There are no parking spaces and it is adjacent to a school. It objects on the basis that there is no parking. We regret the loss of a dance centre. The suggestion of the former Tesco in Guildhall Street was made for a dance centre.

Kent Highway and Transportation Services - No objection subject conditions.

I am aware that the Bayle suffers from residential parking pressures. I am also aware however that this site has in the past had permissions granted for both developments of 5 and 6 apartments, which this application would be materially no more onerous in terms of traffic or parking impact.

Taking this into account and the fact that this is a sustainable town centre location, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the Local highway Authority.

1. Construction management plan which shall include the following details,
 - Wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway.
 - Access point for HGV and site personnel.
 - Dust suppression methods.
 - Plant and noise generated from operation of vehicles and machinery.
 - Fencing/hoardings
 - Lighting
 - HGV routing
 - Hours of operation
 - Any temporary traffic management/signage required.
2. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Environmental Health - No objection subject to the standard contaminated land condition being applied to any grant of permission.

Southern Water - No objection subject to the following informatives and conditions.

- In order to protect the drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, The developer must

advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of development.

- A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove, Otterbourne, Hampshire.

SDC Licensing - comments made.

I can confirm that licensing has granted the following Temporary Events Notices for this premise. Please be aware that this does not necessary mean that it has not been used for non-licensable activities.

A temporary events Notice is issued for licensable activities which are: Alcohol sales, Live or recorded music & bands/DJ's, performance of dance, and late night refreshment. Each Premise is permitted up to 15 TENs per years 1st Jan - 31st Dec inclusive

TENs issued:

2014 - 1

2015 - 4

2016 - 1

2017 - 2 so far in January

Conservation Officer/Consultant - Objection.

This site is located right at the heart of the historic old town on the west side of The Bayle. The Dance Easy Studio is a single storey building attached to a terrace of houses extending southwards. Beside it, an access driveway leads to the rear - to a small yard behind the club, also giving access to a large plot to the rear recently laid out as a school playground. To the north, there is a large block of retirement flats, "Glendale", which is set back behind railings and extends north to and along the frontage of Bayle Street.

Historic Building Description and Significance:

Folkestone Old Town is of tremendous historic significance. It is the core and origins of the town, set up on a high defensive place overlooking the channel and the Pent Stream (now culverted) that discharges out into the harbour. Here, there is the parish church (St Mary and St Eanswythe), founded in 630 but now mostly c15th and rebuilt in the c19th.

A Priory was established here in the c7th and was the site of a castle built in the c11th, after the Conquest. (The Bayle, on c19th maps Bail, is a short form of bailey - a castle yard). Virtually opposite the site, the Bayle Pond, provided drinking water brought by an aqueduct from the hills to the north, with the large pond reduced to its current diminished size in the 1920s.

Further to the east, The Battery occupies the prime defensive position overlooking the harbour and a c17th house and the site of The Battery remains here.

The street pattern of this area remains very much what it was in the c19th and probably dates back to Medieval times, with the wide Bayle curving southwards uphill and around the corner into the much narrower Church Street which continues to climb past the church on its south - west side.

At the southern end, the townscape character remains intact and almost village-like, but the North end and Bayle Street is a disappointment with a massive block of flats (Glendale and

Princes Gate) dominating the area. These buildings tend to dissipate the character of the Conservation Area due to their inappropriate form, bland architecture and the fact they are set back from the frontage line with sunken railed forecourt areas.

The single storey dance hall building occupies a prominent position at the end of a tradition terrace of houses facing The Bayle on its west side. It is here that the traditional forms and street frontage terraces reappear forming the high quality traditional character of the old town. Most of this frontage - and the buildings opposite - are early c19th terrace houses - stuccoed, painted and hard up against the pavement.

No17, adjacent and to the south of the site, is different, a 1950s? pair of buildings in a curious mock Tudor style but, regrettably, with plastic windows. Nevertheless, this block preserves the street frontage line and general scale and materials of the old town.

The dance studio dates from the 1930s? and also follows the traditional street frontage, but is only a single storey high. The building is built of red brick with a parapetted flat roof but nevertheless the building has a certain architectural quality with a unified painted masonry cill line and cornice fascia linking the windows which appear to be old timber replacement windows with top hung vents. The entrance door and side access doors are also replacements, with a boarded finish and fake decorative strapwork hinges and a clumsy plain door portico now surround the entrance door.

Development Proposals:

The proposal is to demolish the dance studio building and replace it with a 3 storey block of flats extending across the same frontage width but extending slightly less back into the site, forming a square on plan. The block would contain 6no two-bedroom flats over three floors, accessed by a central entrance and common stairway.

The building is to be rendered, but with a brick plinth base, and stringcourse at first floor level with a regular arrangement of timber sash windows and a pyramidal "black slate" roof.

At the rear, the yard will be enclosed with a medium height brick wall and here there will be roofed bin and cycle stores opening out onto a narrow right of way extending south past the back of the site to serve adjacent houses.

The scheme is similar to a previously approved proposal, differing only in that the rear elevation windows are altered to exploit the fact that the land at the rear is now laid out as a school playground and also incorporating a smoke vent roof light over the common stair at the front of the building.

Relevant Documents:

SI Charter Surveyor Drawings:

- o 035/16/01 - Existing Site Plan and Elevations
- o 035/16/02 - Proposed Plans and Elevations

Design and Access Statement

Additional Information:

OS Extracts 2016, 1927, 1871 (KCC HER)

Aerial views (Bing and Visit Kent)

Street view photos 7no

Historic photos (P Day and Warren Press)

Comments:

The area of the old town has a charming village-like character but is, especially at its northern end, strangely disappointing! This is due to the ugly design and inappropriate design of the large sheltered housing block at the north end and along Bayle Street. The fact that the blocks are set back from and do not follow the line of the street frontage contributes to this unfortunate appearance.

By contrast the building on the application site does follow the street frontage and occupies a prominent position terminating the run of more historic buildings extending to the South. The building has a certain architectural character but it does not relate well in height with the general character of the area to the South and it is really the positioning of the frontage that is of importance.

I can therefore see no reason why the building, which appears to date from the late 1930s, could not be demolished and redeveloped. However, this all depends on the merits of the replacement building and whether that scheme could be considered to preserve or enhance the character of the Conservation Area.

The proposed building does generally respond to its context. It fills the site as before, generally built up to the street line but is however unfortunately separated from no17 by an access way with a screen wall above the gate, recessed back on the left hand (south) side of the studio building). The materials are appropriate - painted render and the windows are sash - the predominate materials in the locality.

The problem lies in the rather prosaic design and proportions of the building and, in particular, the proportions of the fenestration, together with the design of the roof which is arranged as a wide slack pitched pyramid form which is a very non-traditional roof form. I am also concerned by the way in which the building is proposed to be detached from no17 and that the recessed screen wall over the passage fails to maintain the continuity of the street frontage. Another problem is in the way that the base of the building is in brickwork but the rest of the frontage above is painted render, this tends to weaken the effect of the render façade, which traditionally was intended to look like stonework.

The arrangement of the rear yard - walled in and with store buildings along the West side is logical. However, the store building has a unduly flat pitched, gabled roof with clumsy barge boards and the boundary wall is too low and should be at least 2m high.

As it stands the design is rather underwhelming and in my opinion fails to preserve or enhance the character of the Conservation Area. As a result, I would be reluctant to endorse the demolition of the existing building were it to be replaced by the current proposal design.

However, I see no fundamental problem with the scale of the building, the nature of the accommodation or the choice of window type, and I feel that the way forward should be to seek improvements to the design so as to make it appear more appropriate to its setting. Suggested changes would include:

- o Form a rendered plinth - not brickwork
- o Improve the window proportions with larger, wider windows and with taller windows at ground floor and shorter at second floor
- o To increase the prominence of the entrance doorway
- o To extend the building to directly abut no17 (a side gate could still be provided at ground floor level)
- o Ensure the windows are deeply recessed in the elevations

- o Amend the roof form - perhaps with a frontage roof range of a lesser span with two rear roof ranges extending back from it with a centre valley between them. The roof should have a steeper pitch - 30 degrees perhaps.
- o Redesign the store/cycle shed with a hipped roof - all the same pitch as the main building (30 degrees)
- o Yard walls to be higher

Were we to achieve these sort of amendments I would suggest that an revised scheme would be capable of preserving or enhancing the Conservation Area and thus justifying the removal of the dance studio building.

One last point; in view of the high archaeological potential of the area, it is essential that the development is preceded by an archaeological excavation. I would therefore suggest that you invite the applicant to commission a desktop archaeological report at this stage (rather than secured by condition) and I am fairly certain that this will result in a recommendation that the site is fully excavated prior to redevelopment.

Recommendations:

I suggest we revert to the applicant and suggest these modest design changes to the scheme so as to improve its appearance. This might be best achieved by arranging a meeting with him to discuss modifications to the design rather than simply responding with a letter.

The applicant should also be advised of the need for an archaeological desk based assessment as part of the application documents.

It would also be very helpful if they could provide an additional drawing showing the proposed development in a wider street scene - the context of the site, which should include the traditional houses to the South of no17.

KCC Archaeology unit -No objection subject to conditions.

Archaeological and historical background

The application site lies within one of the most historically and archaeologically important areas of Folkestone. Archaeological investigations, particularly those at the adjacent site known as Henwood (now the school playground), have demonstrated a long history of occupation at The Bayle, dating back at least to the Neolithic period. There is also evidence for Iron Age and Romano-British occupation of the headland.

The area is of particular significance in the early medieval and medieval periods, with an early medieval monastery (founded sometime after AD650) and Norman castle and priory recorded at the Bayle. The monastery would have been one of the earliest monastic institutions founded in Kent, established during not long after the re-introduction of Christianity to England by St Augustine in AD 597. The precise date of the castle's foundation is uncertain, but it was probably in existence by at least AD 1086. By AD 1095 a priory had been established within the walls of the castle, but some forty years later was relocated to a new site just outside of the castle's wall (in the area of the present parish church). The name of The Bayle probably derives from the bailey of a Norman Castle.

There is limited archaeological evidence for the monastery itself, but good evidence for associated Anglo-Saxon activity in the area. A number of burials have been recorded across the Bayle area, including at the adjacent retirement flats (Glendale Court). These burials are typically inhumations, aligned east - west without associated grave-goods and are believed to represent parts of successive unenclosed lay and monastic cemeteries associated with the mid to late Saxon monasteries and churches on the Bayle.

At the adjacent Henwood site extensive evidence for Anglo-Saxon and early Norman activity was recorded, in the form of a large number of intercutting rubbish pits. Of particular note was the recovery of a number of very rare moulds for the production of decorative jewellery of eighth to ninth century date. These rubbish pits have been interpreted as having been located to the rear of buildings that would have fronted onto the Bayle, presumably including within the proposed development site. Significant medieval remains have also been recorded in the area of The Bayle, including two sections of substantial ditch, almost certainly related to the castle as well as remains of medieval buildings, pits and other features.

Recommendations

The proposed development site has the potential to contain significant archaeological remains associated with the early development of Folkestone, potentially including very significant remains associated with the early medieval monastery and associated lay settlement. I would therefore suggest that provision be made in any forthcoming planning consent for a range of archaeological measures, including control of demolition, a programme of archaeological work, and agreement of foundations and other below ground excavation. The following planning conditions would cover what is required:

No development shall take place, including the demolition of the existing buildings, until the applicant, or their agents or successors in title, has provided a written method statement for the demolition works which has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed the demolition works will be to current ground floor level only and will not involve any intrusive below ground excavation.

Reason: To ensure that important archaeological remains are not adversely affected by demolition works.

and:

No development shall take place, other than the demolition of the buildings agreed, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

and:

No development shall take place, other than the demolition of the buildings agreed, until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains.

Additionally as the proposed development lies within the Folkestone leas & Bayle Conservation Area I would recommend that the views of your council's Conservation Advisors are sought on the impact of the development on the street-scene and character of the Conservation Area.

PUBLICITY

Neighbours notified by letter. Expiry date 27.02.2017

Site Notice. Expiry date 31.01.2017

Press Notice. Expiry date 09.02.2017

REPRESENTATIONS

194 representations of objection received on the following summarised objections,

- Loss of a very popular, highly frequented and important social and community facility within an expanding and developing town.
- Loss of an iconic, unique, historic building.
- Detrimental to the surrounding conservation area.
- Detrimental to the local school and the students and their parents/ safety issues
- Concerns over Highways issues, lack of parking and street congestion.
- More flats which are not needed nor wanted.
- Disruption and disturbance from demolition and construction works.
- Loss of residential amenities.
- The development would be purely for commercial gain and profit.
- Poor design and scale, out of keeping with the character of the historic area.
- Overdevelopment of the site.

One representation of support for the development.

RELEVANT POLICY GUIDANCE

The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE5, BE16, TR5, TR11, TR12, HO1, U2, U10a.

The following policies of the Core Strategy Local Plan apply;

DSD, SS1, SS2, SS3, SS5, CSD6.

The following Supplementary Planning Documents and Government Guidance apply:

The National Planning Policy Framework: 2012.

The National Planning Policy Guidance 2014.

Kent Design Guide

The Folkestone Conservation Area Appraisal - Character Area 4.

APPRAISAL

BACKGROUND

In the consideration of this application the planning history should be acknowledged, and taken into consideration in the determination of this application. The site has been the subject of several recent applications for residential development which have all been approved. In this regard, in 2006 an appeal was allowed for the a very similar development to that currently proposed reference Y06/1454/SH following a refusal by Members of the Development Control Committee. In year 2007 a very similar development was then approved again (owing to the appeal decision), reference Y07/1462/SH and the following that the time period for commencement was subsequently extended in 2011 under an extension of time application reference Y11/0063/SH, but was never implemented and has since has expired. Whilst this

development was almost the same as that considered now, it is important to remember that these developments were determined prior to the NPPF 2012 and the new planning framework this created as well as the Core Strategy Local Plan. These previous approvals do not mean that this development will be automatically approved again where the application needs to be considered afresh in light of new planning policy. At that time, The Dance Easy Studio was also not in use as an events venue and it appears wouldn't have been considered as a social and community facility as it is now.

MATERIAL CONSIDERATIONS

Therefore the principle issue to consider in the determination of this application are the visual impact upon the wider streetscene and the conservation area, the loss of the building as a social and community facility, the impact upon the residential amenities of neighbouring occupiers, highways and transportation issues and archaeology.

POLICY APPRAISAL

The principle saved Local Plan policies against which the proposal are to be assessed against are sustainability policy SD1, the main design policy BE1, conservation area policy BE4, BE5 in relation to the setting of the listed buildings, HO1 which covers housing development and policies TR5, TR11 and TR12, which relate to highways issues.

In addition to local plan policy, Core Strategy policy SS3 f) refers to the protection of social and community facilities. At the national level the Government guidance within the National Planning Policy Framework must also be taken into consideration which requires for a presumption in favour of sustainable housing development and para 70 which seeks to protect valued facilities and services.

VISUAL IMPACT

The proposed development is to be located within the historic Bayle area of Folkestone which is designated as part of the Folkestone, Leas and Bayle Conservation Area. The site is also in close proximity to listed buildings. In this regard, conservation area status does not preclude development, but instead in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be given to the desirability of preserving or enhancing the character and appearance of the surrounding conservation area. The NPPF, paras 126-141 also places a strong emphasis on conserving and enhancing the historic environment and the need for good design, (paras 56-68) which is a key aspect of sustainable development.

CA CHARACTER

In assessing "what is the character and appearance" of this area, according to the CA Appraisal, the Bayle area forms part of the core old town. The Bayle dates back to approximately year 635 when Eanswythe, daughter of King Ethelbert founded a nunnery here. Over time this area has developed a picturesque, village-like quality with a emphasis on the individuality of buildings. The wide street of the Bayle, together with its narrow lanes and steps leading off creates a sense of place and an historic layout where the street pattern of this area remains very much what is was in the c19th dating back to Medieval times, with the wide Bayle curving southwards uphill and around the corner into the much narrower Church Street which continues to climb past the church on its south-west side.

At the southern end, the townscape character remains intact and almost village-like, but the North end and Bayle Street is a disappointment with a massive block of flats (Glendale and Princes Gate) dominating the area. These buildings tend to dissipate the character of the Conservation Area due to their inappropriate form, bland architecture and the fact they are set back from the frontage line with sunken railed forecourt areas.

Most buildings are constructed of stone, brick and occasionally faience and fenestration tends to be painted softwood, with some exceptions being original fenestration to 1930's art deco style buildings. Roof materials are predominantly slate or clay tiles, and other common building materials are lead flashings/weathering, steel railings and cobbled stone, granite surface material. Many buildings are articulated with brick arches, soldier coursing, lead flashing and some tile hanging. Important views and vistas to take account of are the spacious vista up and down the Bayle Street and that of St Marys and Eanswythe Church to the south west. Views of the Downs to the north are also important.

LOSS OF BUILDING

Concerning the loss of the actual building, it is not listed nor is it considered worthy of listing (as advised by the Conservation Officer), but it is considered that it does have a certain architectural character. However it does not relate well in height with the general character of the area to the South and breaks the continuity and rhythm on this side of the street and does not make a significant contribution to the CA where it has a neutral impact. It is therefore considered that the loss of the building is acceptable within the realms of the conservation area. Of more importance, are the merits of the proposed replacement building which are considered further below.

SITING /SCALE

The scale at three storey is generally considered to be acceptable. The existing pattern of development within The Bayle varies, however the predominant built form is large three storey terrace buildings addressing the street frontage. It is considered that this proposed development has been designed in a manner to reflect the scale, height and proportion of the adjacent three storey buildings surrounding. The overall height of the proposed building at 10.5 metres would have a matching ridge line and eaves level with the adjoining property and would sit comfortably within the streetscene and would not appear unduly tall or obtrusive in scale.

The siting is proposed upon the approximate foot print of the dance studio building where it is considered that there is sufficient space to accommodate the building without appearing overintensive and cramped. It fills the site leaving sufficient room to the rear for the ancillary buildings. The building would be sited to front the streetscene with the primary elevation addressing the streetscene. The siting would be upon the back edge of the pavement and in line with the prevailing building line of those buildings to the south and retain the narrow access to the side which is acceptable. However the building would be detached and sited away from No. 17 creating a passageway, where the recessed screen wall over the passage fails to maintain the continuity of the street frontage and the character of terrace properties. In this regard, this is considered contrary to saved Local Plan Review policy BE4e) which requires developments to seek to retain the historic pattern, plot boundaries, building lines, open spaces, footways, footpaths and kerb lines which are essential to the character or appearance of Conservation Areas.

DESIGN/DETAIL

Concerning the design and detail, the development it is considered to propose a traditional form and appearance incorporating a pitched 'slate' roof, plain render, together with traditional sash windows with stone cills. Whilst generally acceptable in design terms, for this prominent location within the Bayle it is considered that the design is relatively bland and simple which lacks the detail and articulation that would be expected for a historic area such as this. In this regard, concern is had with the design, in particular, in the prosaic design as well as the proportions of the building and, in particular, the proportions of the fenestration, together with the design of the roof which is arranged as a wide slack pitched pyramid form which is a non-traditional roof form. Concern is also had in the way that the base of the building is in brickwork but the rest of the frontage above is painted render, which would visually weaken the effect of the render façade, which traditionally was intended to look like stonework.

To the rear, it is considered that the store building has an unduly flat pitched, gabled roof with clumsy barge boards and the boundary wall is too low and should be higher. However located to the rear, this would not be prominent with the streetscene and generally hidden and therefore considered to be less harmful and acceptable.

It is therefore considered that the design is underwhelming and fails to pick up on the detail of its immediate surroundings and thus is considered to fail to preserve or enhance the character and appearance of the Conservation Area. The development does not reinforce the local identity and could be anywhere. In this regard, the development is considered contrary to saved design policy BE1 which requires a high standard of design for all new development and saved policy BE4b) which seek to refuse proposals for infill which would adversely affect the character of a conservation area. It is acknowledged that these design concerns were not raised previously under the former applications (Y07/1462/SH and Y11/1462/SH) however these were determined before the NPPF: 2012 which places a greater emphasis on good design and such detailed comments from the Conservation Officer were also not available at that time.

The site is also within close proximity to some Grade II listed buildings (5-13 and 34-40 The Bayle), It is considered that given the separation distances and intervening buildings and road, their settings would not be adversely affected and as such the development is acceptable.

COMMUNITY FACILITY

It is understood that the building has an historic use as a dance studio which is still in use today, but more so, is used as an events venue for a variety of private and public functions. These range from private parties to public comedy and music gigs, yoga and keep fit classes, and generally a place where people can meet and come together. Officers have received significant representation about this and that it is a highly frequented and popular venue within the community. As such, this is therefore considered to be an important social and community facility.

The demolition of the building and redevelopment of the site would result in the loss of this facility which local and national planning policy seeks to resist. Both the NPPF: 2012 and the Shepway District Core Strategy recognise that social and community facilities play an important role within a community and act as meeting places which contributes towards social cohesion.

In this regard, at the local level, Core Strategy policy SS3 (f) requires development to address social and economic needs in the neighbourhood and not result in the loss of community, voluntary or social facilities (unless it has been demonstrated that there is no longer a need or alternative social and community facilities are made available in a suitable location).

Furthermore, the National Planning Policy Framework (2012), which advocates a presumption in favour of sustainable development requires under paragraph 70 to plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environment's and 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'. The broad notion here is to resist the loss of local services and community facilities. Such facilities can provide a vital role in communities where they offer a convenient service, reducing the need to travel and can be a focal point of a community and a meeting place for friends and local groups and clubs.

In this instance, whilst the building is privately owned and leased, it is regularly used by the community for a variety of leisure, educational and entertaining events. It is acknowledged that over the years it has not been in regular use and has struggled, but it is now a popular venue where the significant number of public representations has confirmed this. The facility has a website, and also advertises on social media. The Council's Licensing Team has also confirmed that several temporary events licenses have been granted since 2014, notwithstanding the non licensable events.

The agent has provided additional information to attempt to address this which claims that the building is in poor condition and requires significant investment to enable it to continue to be used and that it has been marketed over the years but historically there has been little interest in the use of the building. The agent has claimed that the current business is unviable and also provided information about other similar social and community venues nearby therefore claiming that there would be no significant loss of facilities because of others nearby. However, it is considered that the sheer number of representations received about its popularity as an events venue clearly demonstrates its value to the community. The fact that the business may/or may not be unviable does not demonstrate that there is no longer a need where a different business plan or alternative community facility and owner/lease holder may change this. The issues over restrictions within the lease are also a private civil issue and not a material planning consideration.

Policy SS3f) requires for it to be demonstrated that there is no longer a need, but it is considered that, to the contrary, given the information received, there is a strong case for its retention. The policy also does not seek to consider other facilities within the area and the general provision, but instead each facility should be considered on its own merits. No alternative building has been put forward to accommodate the loss of the facility and therefore it is considered that the development would result in a valuable social and community facility contrary to Core Strategy policy SS3 and the NPPF: 2012.

It is acknowledged that this was not raised previously under applications Y07/1462/SH and Y11/0063/SH, however the building was not actively used as an events venue then which appears to have seen a revival in its use since the last application was determined. Those decisions were also prior to the NPPF and the Core Strategy which afford greater protection to social and community facilities.

RESIDENTIAL AMENITIES

With regard to general land use, the proposal for residential development within this predominantly residential area would be in keeping with the surrounding prevailing land use and would not create a disturbance issue or an unneighbourly development.

Owing to the separation distances and positioning of neighbouring property windows, it is not considered that there would be any significant overbearing impacts. To the south, there are no side windows upon the north elevation of No. 17 and the houses opposite would be sufficient distance away to not be affected. To the north, it is noted that there are numerous windows upon the side elevation of Glendale, many of which serving habitable rooms, however it is also considered that the separation distance from this block of flats (at its closest point would be 4.5 metres rising to 7 metres) would be sufficient to prevent a harmful overbearing issue and loss of light.

However it is considered that there would be some loss of privacy and inter looking to windows in Glendale. The development proposes several windows upon the side north elevation that would afford views straight into the windows of Glendale where currently there is no such inter looking. In this regard, there are no windows upon the north side of No. 17 the Bayle and the existing dance easy studio is single storey with a flat roof so these windows currently benefit from some privacy. There would be no overlooking to No.17, where there are no windows and owing to the separation distances, there would be no significant overlooking across the road. As such, the development is considered to result in a loss of privacy and residential amenities contrary to saved Local Plan Review SD1 and the NPPF: 2012. It is unknown why previous decisions did not take account of this where the positioning of existing and proposed windows have not changed.

Concerning the impact upon the school, the views of local representations as well as that of the Headmaster have been taken into consideration, however it is not considered that there would be any significant harm to the school or its students/staff to warrant a ground of refusal. The development does not encroach into the school grounds and overlooking to the playground would be no different to what already occurs, where the playground is heavily overlooked by existing properties. Concerns over children's safety during construction are a site management issue and the responsibility of the developer, the school and parents and in the event that planning permission is granted and development is commenced would only be for a temporary period during construction.

HIGHWAYS/TRANSPORTATION

The site is located within a highly sustainable location within the centre of town where future residents would benefit from town services and good transport, pedestrian links. In this regard, no parking is proposed which can be justified given the sustainable town centre location. In the event that some residents do have cars, there are public car parks nearby. Cycle parking is proposed. On this basis Kent Highways and Transportation Services have raised no objection subject to some standard conditions if planning permission is granted. As such the development is considered acceptable in accordance with saved Local Plan Review policies TR5 and TR12.

ARCHAEOLOGY

The site is identified to be within an area of archaeological interest. However the site is brownfield land and developed, where the ground has been excavated and disturbed and I see no reason why it cannot be excavated again in this regard. KCC Archaeological Officers have raised no objection and in the event that planning permission is granted, has recommended that the archaeological issues are controlled by condition. As such, it is not considered that the site would be significantly constrained by archaeology and in this regard is acceptable.

OTHER

Drainage - The development can connect to the main foul sewer within the Bayle, subject to southern water approval.

Contaminated land - The Council's Environmental Health Team have raised no objection subject to the standard condition being imposed with any grant of permission.

CILL - The site is within zone A where there is a zero charge.

PREVIOUS APPEAL - The previous appeal decision and Inspectors comments have been taken into account in making this decision, however this appeal was back in 2008 and before the NPPF:2012 and Core Strategy when a stronger emphasis has been placed on design, protecting heritage assets, and safeguarding community facilities and residential amenities. Such detailed Conservation Officer comments were also not available at that time.

RECOMMENDATION

When making a determination under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to have regard to the Development Plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The development is considered to be unsustainable development that would result in visual harm to the conservation area, result in the loss of a social and community facility and be harmful to resident's amenities. As such the development would be contrary to Local Plan policy and the NPPF and therefore is recommended for refusal.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: JM LING Position: Senior Planning Officer MRTPI Date: 21.02.2017

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name:

Position:

Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: C Dethier

Position: DM Team Leader

Date: 22/2/17