

**Application No:** Y15/1241/SH

**Location of Site:** Land Adjoining The Cube & Land Opposite 100 Tontine Street Folkestone Kent

**Development:** Multi-storey sports park to include boxing club, skate shop, offices, cafe, three levels of skate park, climbing wall, bouldering room, flexible function space, refuse facilities, cycle parking, car parking and hard landscaping

**Applicant:** Mr Trevor Minter  
The Roger De Haan Charitable Trust  
Strand House  
Pilgrims Way  
Monks Horton  
Ashford  
Kent  
TN25 6DR

**Agent:** Mr David Weir  
Guy Hollaway Architects  
Fourth Floor  
251 Pentonville Road  
Kings Cross  
London  
N1 9NG

**Date Valid:** 11.12.15

**Expiry Date:** 11.03.16

**Date of Committee:** 08.03.16

**Officer Contact:** Mr Robert Allan

<b>RECOMMENDATION:</b> That planning permission be granted, subject to the conditions set out at the end of the report and any further conditions required following the receipt of comments from the Environment Agency.
---

## **1.0 THE PROPOSAL**

- 1.1 The application is for a multi-storey sports park, which would contain a boxing club, skate shop, offices, cafe, three levels of skate park, a climbing wall, bouldering room, and function space, together with associated cycle parking, car parking and hard landscaping.
- 1.2 If permitted, the facility would be the world's first multi-storey facility of its kind, accommodating a variety of popular urban sports including skateboarding, BMX-ing and scootering, as well as attracting trials riders, climbing enthusiasts and also proposing to incorporate an existing local boxing club, all with the objective of providing a major new indoor activity centre that offers access to young people who live locally, at heavily subsidised rates.

- 1.3 The ground floor of the building would be a flexible space that could function as a cafe with a combination of tables, chairs and high stools, along with a projection wall and viewing screens linked to the rest of the facility, which also has chairs for spectators. Alternatively, all the chairs and tables can be packed away in the integral store and the entire foyer space used for functions. There is also a boxing club proposed, which would be in a separate space, as well as an office, skate shop and toilet/changing area.
- 1.4 The first, second and third floors would be given over to the primary function of the structure, providing bowl, flow and street floors, respectively, for skateboarding, BMX-ing and scootering. The bouldering area would also be found on the first floor, which is where the climbing wall would begin and extend up and through the structure to the third floor. The fourth floor is proposed as a function floor, with an enclosed function space that has access to an external balcony area.
- 1.5 The appearance of the building would be uncompromisingly contemporary in its form. The structure of the building would utilise concrete, with the ground floor encased predominantly in glass with some concrete elements, but the predominant material that would define the form and appearance of the building would be a double skin of anodised aluminium expanded mesh that would wrap the building from the first floor upwards. The scale of the building is determined to some extent by the design of the urban sports park within, which requires high floor to ceiling heights in order to accommodate the bowls and undulations that form part of the skating surface. The overall height of the building would be 23.725 metres.
- 1.6 Vehicular access to the site is proposed further to the north of the existing access for The Cube from Tontine Street. This is proposed to be an 'in only' access, which would require vehicles to route through a small car-park before egress also onto Tontine Street, opposite the junction with Mill Bay, as currently takes place. A total of 32 car parking spaces are proposed, which are shown located between the urban sports centre and The Cube. An additional 10 spaces are proposed to serve The Cube but have not been considered as part of this proposal. Three spaces of the 32 will be designated for disabled users and there will also be 20 cycle spaces provided as part of the scheme.
- 1.7 The application has been accompanied by a design and access statement, an external lighting report, a transport statement, a noise impact assessment, a water test for the proposed double skin expanded mesh facade and a study of this proposed finish, an archaeological desk-based assessment, a phase I contamination assessment report, a phase II geo-environmental assessment, a daylight and sunlight report, an energy statement, a flood risk assessment and surface water drainage strategy and a fire safety summary.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is located at the north western end of Tontine Street on an 'island' of land surrounded by roads, with Dover Road to the western boundary and Tontine Street to the south and north eastern boundaries. The site was previously occupied by a bingo hall and other buildings. Following a prior notification procedure to the Council, these buildings were demolished, leaving the site empty. The Cube, a four-storey 20<sup>th</sup> Century building, sits at the south eastern end of the application site but is excluded from the red-line boundary.
- 2.2 It is immediately adjacent to the northernmost extent of the Leas and Bayle conservation area, at the head of Tontine Street, which links directly to the harbour area. The buildings along Tontine Street are generally a mix of tall, Victorian and Edwardian style structures, more recent 20<sup>th</sup> century infill development, and some notable contemporary structures such as the Quarterhouse and the Workshop. To the south west of the site are the Grade II listed structures of the Former Technical Institute and the Library, both on Grace Hill.
- 2.3 The site is shown on the Environment Agency (EA) flood risk maps as being within Flood Zone 3 due to the risk of fluvial flooding from the Pent Stream, which runs in a culvert along Tontine Street.

## **3.0 RELEVANT PLANNING HISTORY**

Y14/1173/SH - Prior notification of proposed demolition of 28-38  
Dover Road & 83-85 Tontine Street NO. 21.11.14.

## **4.0 CONSULTATION RESPONSES**

### **4.1 Folkestone Town Council**

Comments awaited.

### **4.2 Kent Highways and Transportation**

No objections to the application subject to the following conditions being attached to any planning permission granted:

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

- 3) Provision of measures to prevent the discharge of surface water from the private accesses onto the highway.
- 4) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 5) Provision and permanent retention of the vehicle parking spaces and turning space shown on the submitted plans prior to the sports park hereby permitted being brought into use.
- 6) Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the sports park hereby permitted being brought into use.

#### 4.3 Listed Building Officer

The site location is at the convergence of a number of streets and adjacent to historic buildings predominantly on the west, south and east of the site. The scale and bulk of the building is consciously at odds with the locality as is the material proposed for the facade. As such this is not a proposal attempting to blend with its environment, but one that adopts contrast to make a statement about the function of the building and its purpose. The building will not be adaptable for alternative uses, its function is singular. This is a bold and potentially exciting building that if executed with quality materials for the external facade will offer a positive legacy for the town. For the building to succeed it must be executed as conceived by the architect in these initial design proposals, with curved curtain wall glass to ground floor and stainless steel mesh cladding the upper levels. Too often exciting contemporary design proposals are diluted through a compromising procurement process. Lighting can offer an important contribution to the scheme, with the opportunity for colour rendering of the facade and interior during evening and night time. The importance of good landscaping and tree planting is all too often forgotten and makes a significant contribution to such urban developments.

I raise no adverse comments to the proposals in respect of the built historic environment, which if conditioned and executed to the highest standards, will make a positive contribution to the town.

#### 4.4 Building Control Officer

This application will NOT need the landslip condition applied. It is not in the landslip zone.

#### 4.5 Environmental Health

With reference to this planning application EH make the following comments:

The application is for a multi use building covering a number of different functions that can impact on the locality within the proposed location of the building for residential premises. EH do not object in principle to the

proposed plans but some recommendations will be made in respect of planning conditions.

#### (1) The Noise Report

This is in respect of noise arising from the use of the skate park only, and not any other activities that may arise from the other proposed uses of the building. It is agreed that there is no specific criteria that can be used to assess the noise arising from skate boarding. When considering the noise, it is either from the movement of the roller boards on the surface over which they are travelling, or the impact noise that can arise from takeoff and landing for the jumps that exist around the layout of the course. EH concur that the proposed concrete surface will be quieter than one based upon timber frames.

The use of BS4142:2014 criteria can assist in giving some indication as to whether complaints from the proposed activity are likely to arise. The references made for gun fire noise can be broadly associated with the impact noise from skateboarders as they land on the jumps. Although no research has made a direct association between the two activities, it might provide some indication of noise levels that will be audible in the surrounding areas. EH recommend that the mitigation that has been proposed in the noise report as stated in section 5.2 form part of any planning conditions, should permission be granted. It is noted that no hours of use have been provided by the applicant for the use of the skate park within the noise report. Recommendations on this are detailed below.

#### (2) Multi use of the building

##### (a) Ground Floor

Although this is proposed to be used as a cafe space, the plans are also stating it can be a flexible function space for parties and large events. No details have been provided regarding the type of functions that will take place, or any means of noise control, should these events require any form of music and entertainment. If it is intended that music/Live bands/DJ's etc are part of the function facilities, suitable means of noise control will need to be implemented. No details have been provided regarding the level and type of catering facilities that are to be provided. EH therefore recommend full details are given with regard to the commercial extraction system to be installed, and any proposed odour control system.

##### (b) Roof space

This is also being stated as a function space, but no specific details have been provided about its expected use. Similar comments as stated for the ground floor also apply here.

#### (3) Summary of comments

- a) All recommendations made in the noise report will need to form any part of planning conditions, if permission is granted.
- b) As no reference has been made throughout the application in respect of opening hours the following are proposed:

Ground floor – 0600 hrs to access the boxing area only.

0700 hrs to 0000 hrs for the general use of the ground floor/cafe area and any proposed entertainment.

Roof area – 0700 hrs to 0000hrs with any external doors to be closed by 2200 hrs.

1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup>/ floors to be used from 0700 hrs to 2200 hrs.

- c) All details relating to any extraction system and odour control systems that will need to be installed will require to be submitted to the LPA for approval prior to the installation.

Informative:

If the application receives planning permission the premises will require a license to operate under the terms of the Licensing Act 2003. Further details are available from [www.shepway.gov.uk](http://www.shepway.gov.uk).

#### 4.6 Economic Development

No formal comment received.

#### 4.7 K.C.C. (Planning - Archaeology)

The application is accompanied by an Archaeological Desk-Based Assessment which was prepared on behalf of the applicant by the Canterbury Archaeological Trust. The report provides a good account of the site's archaeological potential. The report notes that the site has some potential for remains of prehistoric to medieval date and a much greater potential for remains of post-medieval date. The desk-based assessment concludes that "*There is a moderate chance that extant archaeological features, artefacts or ecofacts, particularly relating to the post-medieval period, may be disturbed or destroyed by groundworks associated with both demolition and construction works.*"

The desk-based assessment further suggests that the proposed impacts on the archaeological resource could be mitigated through an appropriate programme of archaeological investigation. The desk-based assessment suggests that this should include archaeological evaluation of the site through trial trenching which would inform the need for any further archaeological investigation either ahead of, or during construction. I would support this conclusion and suggest that the archaeological mitigation works proposed in the submitted archaeological desk-based assessment should be secured through the use of an appropriately worded planning condition attached to any forthcoming consent. The following covers what would be required:

**AR1** *No development shall take place 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.*

#### 4.8 Environment Agency

Thank you for consulting us on the above. Whilst we acknowledge the further information that was submitted our objection remains in place.

The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted information fails to:

1. Assess the need for any compensatory flood storage as a result of additional development in FZ3. Whilst we accept that the site is all non-permeable, the application does not clearly show a comparison of the existing built development with that of the proposed. If the proposal is likely to result in a loss of flood storage, the FRA would need to include details of a scheme for flood storage compensation. We note the additional comments stating that the proposal is a smaller footprint than existing but we are unsure if the proposal includes any landraising. For instance the FRA states higher floor levels for the ground floor than the proposal's drawings indicate. As previously stated the drawings submitted as part of this application do not make this aspect of the application clear and contradict statements made in the FRA. We would expect to see drawings that clearly show details of both the existing and proposed footprint and ground levels.
2. Give details of floor levels in relation to the flood level on site, in particular the basement level. We note the additional comments regarding the basement level however the FRA states that 'the building is proposed to contain a boxing gym, yoga room and toilet facilities at basement level'. It is unclear from the documents and drawings submitted what is proposed to be backfilled and how this affects ground levels.

#### **Overcoming our objection**

You can overcome our objection by submitting a FRA which covers the deficiencies highlighted above and demonstrated that the development will not increase risk elsewhere, and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not itself result in the removal of an objection.

#### 4.9 Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public combined sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

-No development or new tree planting should be located within 6.5 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

-No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public gravity sewer.

It appears from the submitted FRA that applicant is proposing to abandon 600mm diameter public combined sewer. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer. For further advice, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

In order to protect 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 the development."

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern

Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- A) Adequate soakaway or infiltration system
- B) Water course
- C) Where neither of the above is practicable, sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: of the proposed drainage system should take into account the charging within the public sewerage system in order to protect the development from potential flooding."

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "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."

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 05.01.16

5.2 Site Notice. Expiry date 12.01.16

5.3 Press Notice. Expiry date 21.01.16

## **6.0 REPRESENTATIONS**

6.1 Five letters/emails received objecting on the following grounds:

- Overshadowing;
- Overbearing;
- Loss of daylight/sunlight;
- Detrimental impact from noise;
- The building is massive and would be out of place;
- Increased traffic;
- Detrimental impact upon pedestrian safety;
- There are already enough sports facilities;
- Noise and disturbance from construction activities;
- Loss of privacy;
- Negative impact upon the conservation area and listed buildings;
- Increased litter;
- Fly-tipping;
- Obstruction of existing pathways;
- Better suited to an out-of-town location.

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:  
SD1, BE1, BE4, BE5, U10a, U15, TR5, TR11, TR12

7.3 The following policies of the Shepway Core Strategy Local Plan apply:  
DSD, SS1, CSD3, CSD6

7.4 The following paragraphs of the National Planning Policy Framework apply:  
17, 23, 60, 70, 73, 100, 121, 123, 131, 132, 134

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Guidance  
Kent Design Guide

## **8.0 APPRAISAL**

### **Policy**

8.1 The application site is considered to be a brownfield site, with priority support for the effective re-use of previously developed land found in both the National Planning Policy Framework (NPPF) and the Shepway Core Strategy Local Plan.

- 8.2 These documents, alongside the saved policies of the Shepway District Local Plan Review, also recognise town centres as the heart of a community, supporting their viability and vitality through planning positively for a range of uses, identifying community facilities such as meeting places, sports venues and cultural buildings as being important for community needs and making an important contribution to health and well-being at the same time. The NPPF makes it clear that the use proposed is a 'main town centre use' and therefore the application meets the sequential requirements of the NPPF set out in paragraph 24.
- 8.3 If permitted, the proposed building and the associated uses would be likely to become a visitor attraction, generating sports and architectural tourism activity from those eager to use the facility and experience the structure (policy CSD3), provide investment in commercial and cultural uses, as well as contributing to public realm improvements through the re-use of derelict land in the Seafront/Creative Quarter Regeneration Arc of Central Folkestone (policy CSD6). The Peter Brett Associates Shepway Town Centres Study (June 2015) identifies significant 'leakage' in activity and expenditure from Shepway residents in to adjoining districts to meet leisure needs, particularly Ashford district. It is considered that the proposed facility would act as a footfall generator to Folkestone and due to its town centre location this should increase linked trips to existing businesses, as well as help promote the evening economy.

### **Visual Amenity/Heritage Impact**

- 8.4 Tontine Street has a general Victorian and Edwardian architectural style, with three storeys (or more) high/stucco-fronted buildings with good neo-classical detailing, although some buildings and groups in Tontine Street contribute less due to their disrepair, vacancy and stripping of ornament, or being more recent 20<sup>th</sup> Century infill development. In general though, any poor building condition appears to be largely due to neglect from individual landowners and the area has seen significant investment and uplift, with notable examples of contemporary addition being The Quarterhouse building and The Workshop at 32-40 Tontine Street.
- 8.5 The application site is at the head of Tontine Street, immediately adjacent to the northernmost extent of the Leas and Bayle conservation area. To the south west of the site are the Grade II listed structures of the Former Technical Institute and the Library, both on Grace Hill.
- 8.6 The comments of the Councils conservation consultant (section 4.3) are of particular note here and warrant reproduction;

*“the scale and bulk of the building is consciously at odds with the locality, as is the material proposed for the facade. As such this is not a proposal attempting to blend with its environment, but one that adopts contrast to make a statement about the function of the building and its purpose. The building will not be adaptable for alternative uses, its function is singular. This is a bold and potentially exciting building that if executed with quality*

*materials for the external facade will offer a positive legacy for the town. For the building to succeed it must be executed as conceived by the architect in these initial design proposals, with curved curtain wall glass to ground floor and stainless steel mesh cladding the upper levels. Too often exciting contemporary design proposals are diluted through a compromising procurement process. Lighting can offer an important contribution to the scheme, with the opportunity for colour rendering of the facade and interior during evening and night time. The importance of good landscaping and tree planting is all too often forgotten and makes a significant contribution to such urban developments.”*

- 8.7 The proposed building would be an innovative and uncompromisingly contemporary structure, in both form and materiality, entirely at contrast with the surrounding buildings. The use of a double layer of curved expanded mesh cladding would result in a semi-transparent quality to the façade, altering when viewed from different perspectives and giving variation in how daylight reflects from the building surface at different times of day and from alternative viewpoints, to give a visually dynamic structure that would further evolve at night when the integral lighting system becomes more apparent.
- 8.8 As a landmark building it would be visible when looking north west through the conservation area along Tontine Street, although The Cube would be likely to obscure much of the structure. It would also be visible when looking south east toward Tontine Street from Bradstone Road, when looking south from the junction of Dover Road and Tontine Street, and would be in the foreground of views of the listed buildings (Former Technical Institute and the Library) on Grace Hill, also when viewed from the junction of Dover Road and Tontine Street.
- 8.9 Local and national policy guidance seeks to ensure that development proposals preserve and enhance the built and cultural heritage of the District, including the setting of listed buildings and conservation areas, with proposals refused if they would adversely affect the setting or character of such heritage assets. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state that the significance of a heritage asset can be harmed or lost through development within its setting.
- 8.10 It is also considered that the views into and through the conservation area would not be detrimentally altered, given that the site, although now cleared of buildings, was not originally open, with enhancement of the vistas likely given the associated public realm improvements and the replacement of the derelict buildings.
- 8.11 With regard to the setting of the listed buildings, these are a significant distance away from the application site and in an elevated position, which safeguards and enhances their prominence. It is acknowledged that the proposed structure would be more visually prominent than the collection of derelict buildings it would replace, but it is considered that the visual distraction would not be so significant as to be detrimental, with the

foreground improved in quality and the most significant areas for the appreciation of the listed buildings considered to be in the immediate Grace Hill area and therefore not detrimentally impacted upon.

- 8.12 Overall, it is considered that there would be a less than substantial harm to the setting of the conservation area and listed buildings and the positive elements of the proposal, including the quality of the design and its appearance, together with its public benefits, have significant weight.

## **Neighbouring Amenity**

### **Daylight/Sunlight**

- 8.13 The application has been accompanied by a daylight/sunlight assessment that assesses the properties in the immediate area of the proposed structure and compares the levels of light received relative to the situation with the now-demolished buildings. These levels are assessed in accordance with the guidance in the Building Research Establishment Report, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' Second Edition (2011).
- 8.14 The report details the procedure for assessing the levels and stresses that the guidance is just that, and should not be interpreted as a strict set of rules, identifying that a flexible approach and alternative target values may be appropriate when dealing with "special circumstances" such as in historic city centres or around modern high-rise buildings. It stresses that rigid application of the guidance in a tight, urban environment may be difficult where there is unlikely to be the same expectation of daylight and sunlight amenity as in a suburban or rural environment.
- 8.15 Notwithstanding this advice, it is important to safeguard the amenity of neighbouring uses and the report has looked closely at rooms in adjoining residential dwellings where daylight is required including living rooms, kitchens and bedrooms, as well as rooms in non-domestic buildings where there is a reasonable expectation of daylight.
- 8.16 Overall, the vast majority of neighbouring properties will maintain daylight/sunlight levels as suggested by the BRE guidelines with the proposed development in place, with all properties assessed retaining levels commensurate with those typical of an urban area. The findings of the report are accepted and it is not considered that there will be any significant loss of amenity as a consequence of loss of daylight/sunlight.

### **Noise**

- 8.17 There is not a specific set of assessment criteria when assessing the noise impact of leisure activities such as skateboarding, but it is noted that concrete (as proposed) is a much quieter surface than timber for skate parks, with up to a 10dB improvement in comparison. Skateboarding can produce sharp impact noises, not dissimilar to the impulsive nature of

gunfire and this has been used a basis for comparison, along with monitoring carried out at other skateboarding sites.

- 8.18 Tontine Street and Dover Road are busy urban roads where the majority of vehicles generate noise levels in excess of 70dB(A). Although there is a difference in character, with a skate park generating short duration impact noises as opposed to the rise and fall generated by vehicle pass-bys. This background is considered likely to help the proposed skate park impact be less intrusive.
- 8.19 The report suggests that, for the majority of the time, noise levels would be equal to the background levels or less, giving an indication that there would be a low impact from the proposed use, as modelled. This assumes a worst case scenario of continuous activity, with no accounting for daily, weekly or seasonal variations in use. Mitigation measures are proposed within the report relating to insulation to be incorporated into the fabric of the building and relating to the degree of openness of the inner layer of expanded mesh, which would attenuate the sound leaving the structure. These measures can reasonably be secured by condition.
- 8.20 Noise and disturbance will also potentially arise from the use of audio equipment on the ground and fourth floor given the possibility of functions associated with the centre taking place in these areas, as well as in association with the first, second and third floors, should music be played in these areas during the use of the facility.
- 8.21 It is possible to control the sound produced through the setting of noise limiters on audio equipment in conjunction with licensing procedures and legislation, prior to the first use of the premises, as well as controlling the times of use of the premises as a whole, the use of the outside areas, and requiring external doors to be closed by set times through planning conditions.
- 8.22 Overall, it is considered that with appropriate conditions and the use of the licensing legislation, there is unlikely to be any significant detriment to the amenity of neighbouring uses as a consequence of the use of the facility.

### **Light Pollution**

- 8.23 Concern has been raised with regard to the light spill from the external lighting proposed on and around the structure, as well as that generated from the internal lighting.
- 8.24 External lighting is proposed to serve the car park, pedestrian routes, bicycle parking areas and the external cafe seating, as shown on the submitted lighting plan within the external lighting report. The lighting would take the form of deep-recessed LED down lights mounted in a channel between the mesh façade and the concrete soffit at ground floor ceiling level; indirect lighting from LED up-lighting to the overhang, mounted to the external columns; and LED low level bollards. White LEDs are proposed to be used to give good facial recognition for improved safety and security.

- 8.25 Due to the building being proposed to be clad in two layers of partly open mesh, there is concern that the light spill from the internal lighting scheme may impact on the neighbouring residents. Automatic lighting controls will be used to ensure that the external lighting is only used when necessary, with photocell control to ensure it is not used during the hours of daylight. Internal lighting will be automatically switched off when the building is not occupied, with movement sensors on the lighting control sensors to switch off or dim zones of lighting where they are not in use.
- 8.26 When calculating the likely light spill, a 100% transparency was assumed for the façade as a worst case scenario, when it is actually likely to offer 58% attenuation. The report looked at illuminance levels around the building from both external and internal lighting spill light; the light trespass into windows likely for all surrounding residential buildings; and the likely sky glow from the external lighting and reflected light from the internal building lighting.
- 8.27 The results of the modelling indicate that there would be minimal light spill into the surrounding area due to the lighting design, with any light that does reach neighbouring residential properties being at a level significantly below the maximum allowance in the ILE guidance, with no significant sky glow either.
- 8.28 Overall, it is considered that there would be no detriment to amenity from the lighting associated with the proposed structure and use.

## **Highways**

- 8.29 Vehicular access to the site is proposed further to the north of the existing access for The Cube, opposite an automotive repair business on Tontine Street. This is proposed to be an 'in only' access, which would require vehicles to route through a small car-park before egress onto Tontine Street, opposite the junction with Mill Bay, as currently takes place.
- 8.30 A total of 32 car parking spaces are proposed, which are shown located between the urban sports centre and The Cube, which will share nine of the spaces. Three spaces will be designated for disabled users, there will be three motorbike spaces and there will also be 20 cycle spaces provided as part of the scheme.
- 8.31 The Technical Transport Statement accompanying the application details that the site is located in a sustainable and accessible location, with well maintained footways across the local area; Folkestone Central railway station is 850 metres (13 minutes walk time) away; there are bus services passing along Tontine Street and Dover Road, with bus stops visible from the site frontage and the Folkestone Bus Station also 600 metres (7 minutes on foot) away; within 450 metres of approximately 1900 car parking spaces.
- 8.32 It is also noted that a package of works to improve access by buses, taxis and bicycles along Tontine Street has been proposed by Kent County

Council and approved by the Shepway Joint Transport Board (JTB) in September 2015.

8.33 In the context of Kent vehicle parking standards, the requirement of 1 space per 22 sq. metres for this type of development would require 263 spaces relative to the gross floor area of 5785 sq metres proposed, which is clearly untenable. As the centre will appeal primarily to young people given the nature of the sports involved, although some may be driven to the venue by parents/carers; there is a feasible, reliable and improving sustainable transport network in the form of buses and trains; and the facility would be located in a sustainable location within the town centre, as opposed to an edge-of-centre site; it is considered that the level of parking provided is reasonable and appropriate and the proposal would be acceptable in highway safety terms. Policy TR14 of the Shepway Local Plan Review states that In Folkestone Town Centre, new retail, office or commercial development should provide essential operational parking only on site, with offsite parking improved if required. In this instance the application demonstrates significant parking capacity is available in the locality, the use of which will further enhance the vitality and viability of the town centre.

### **Flooding/Drainage**

8.34 As stated previously, the application site is within Flood Zone 3 of the Environment Agency's flood risk maps, due to the risk of fluvial flooding from the culverted Pent Stream during very high intensity rainfall events where the capacity of drainage systems could be exceeded.

8.35 The proposal would result in no increase in the impermeable area, no likely increase in surface water runoff and a 50% reduction in discharge rates when compared to the previous use. Surface water will be attenuated on site using a variety of drainage features and discharge limited so as to ensure there is no increase in flood risk from the development itself.

8.36 However, the Environment Agency have raised an objection as the submitted FRA does not provide a direct comparison of the existing (now demolished) development and the proposed, so they have not been able to assess any possible requirement for flood storage compensation.

8.37 Further, the proposed finished floor level of the ground floor is shown at 10.50mAOD and the worst case level for the 1 in 100 year flood is predicted to be 10.96mAOD.

8.38 The applicant has provided an interim response to the Environment Agency and is preparing an addendum to the FRA to demonstrate that there would be no detrimental impact upon flood storage levels at the site and that although the ground floor level of the building will be set at 10.50 mAOD, all exit doors (other than the main entrance) will be set at 11.00mAOD (above the 1:100 yr (+30%) flood level) with external ground levels adjacent to the main entrance set at 11.00mAOD, which then fall away from the building to ensure any flood water will flow away from the building and follow the natural flow path along Tontine Street towards the South and the harbour.

8.39 The Environment Agency has yet to receive this addendum, so comment will be provided on the supplementary sheets.

### **Contamination**

8.40 The application has been accompanied by a phase I contamination assessment report and a phase II geo-environmental assessment that have been assessed independently by the Council's consultants. The findings of both of these reports have been ratified and accepted, with no evidence of gross contamination of soil or groundwater identified, or any significant concentrations or flows of hazardous ground gases. Consequently, no specific remediation is required, although if permission were to be granted, a condition would be required to address any unexpected contamination discovery.

### **Archaeology**

8.41 The application is accompanied by an Archaeological Desk-Based Assessment which notes that the site has some potential for remains of prehistoric to medieval date and a much greater potential for remains of post-medieval date which may be disturbed or destroyed by ground works associated with construction activity. The proposed impacts on the archaeological resource could be mitigated through an appropriate programme of archaeological investigation through trial trenching which would inform the need for any further archaeological investigation either ahead of, or during construction which can be secured through the use of an appropriately worded condition.

### **Human Rights**

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

8.43 This application is reported to Committee at the request of the Interim Head of Planning.

## **9.0 SUMMARY**

- 9.1 The application is for a multi-storey sports park, which would contain a boxing club, skate shop, offices, cafe, three levels of skate park, a climbing wall, bouldering room, and function space, together with associated cycle parking, car parking and hard landscaping.
- 9.2 Visually, the building would be an innovative and uncompromisingly contemporary structure, in both form and materiality, utilising concrete for the main structure, glass curtain walling around the ground floor and the predominant material that defines the form and appearance of the building being a double skin of anodised aluminium expanded mesh that would wrap the building from the first floor upwards. The overall height of the building would be 23.725 metres.
- 9.3 It is considered that the views into and through the conservation area would not be detrimentally altered, with enhancement of the vistas likely given the associated public realm improvements and the replacement of the derelict buildings, whilst for the setting of the listed buildings, their distance from the site and elevated position safeguards their prominence, with the most significant areas for their appreciation in the immediate Grace Hill area not detrimentally impacted upon.
- 9.4 Vehicular access to the site is proposed further to the north of the existing access for The Cube from Tontine Street and would be an 'in only' access, with vehicles routing through a small car-park before egress also onto Tontine Street, opposite the junction with Mill Bay. A total of 32 car parking spaces are proposed, which are shown located between the urban sports centre and The Cube, with three spaces designated for disabled users and 20 cycle spaces provided as part of the scheme.
- 9.5 With regard to amenity of neighbouring uses, the impact from noise, light pollution and how the daylight/sunlight received will be affected, have all been assessed and found to be acceptable, subject to appropriate conditions.
- 9.6 The same is true regarding the potential for contamination at the previously developed site, where a condition covering the discovery of unexpected contamination should be imposed, and for possible archaeological remains, an appropriate programme of archaeological investigation which would inform the need for any further investigation either ahead of, or during construction, can be secured via condition.
- 9.7 Overall, the proposal would result in the regeneration of a brownfield site, with the proposed building and associated uses likely to become a visitor attraction, generating sports and architectural tourism, provide investment in commercial and cultural uses, as well as contributing to public realm improvements and a high quality community facility through the re-use of derelict land in the Seafront/Creative Quarter Regeneration Arc of Central Folkestone. The proposal is considered to be of significant benefit to the regeneration of Folkestone, further supporting and enhancing the role of the

town centre whilst providing significant investment and new facilities for local people and visitors to the town.

## **10.0 BACKGROUND DOCUMENTS**

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

---

**RECOMMENDATION – That planning permission be granted, subject to the following conditions and any further conditions required following the receipt of comments from the Environment Agency.**

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14.071.12, 14.071.11, 14.071.10, 14.071.09, 14.071.08 Rev. L, 14.071.07 rev. L, 14.071.06 Rev. L, 14.071.05 Rev. L, 14.071.04 Rev. L, 14.071.03 Rev. M, 14.071.02 Rev. N and 14.071.01 Rev. A

Reason:

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted documents unless alternative materials are approved in writing by the local planning authority.

Reason:

To ensure that the external appearance of the works when completed do not detract from the appearance of the building or the appearance of the area generally.

4. The facilities for storage and collection of refuse and recyclables shown on the approved plans shall be provided in full prior to the first use of the development hereby permitted. Thereafter the approved facilities shall be kept available for use by the occupants of the development.

Reason:

To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability.

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

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2012.

6. The 32 vehicle parking spaces and 20 cycle spaces shown on the approved plan shall be made available and adequately surfaced prior to the first use of the development hereby permitted and kept available in connection with the permitted development at all times.

Reason:

To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway, to safeguard the amenities of adjacent properties and to encourage the use of alternative forms of transport in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

7. Prior to the commencement of the development hereby permitted, construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors and wheel washing facilities shall be provided for the duration of construction.

Reason:

In the interests of amenity and highway safety.

8. The development hereby approved shall not be used until full details of hard landscaping works have been submitted to the local planning authority for approval and the approved landscaping scheme carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority.

Reason:

In order to protect and enhance the appearance of the area.

9. The mitigation measures proposed in the submitted noise impact assessment (Cole Jarman Folkestone Skate Park Impact Assessment Report 15/0272/R1 // revision 3) shall be incorporated into the development hereby permitted, implemented in full and thereafter maintained in a functioning condition.

Reason:

In order to safeguard the amenities of neighbouring uses.

10. Prior to the first operation of the associated cafe use, details of the means of ventilation for the extraction and dispersal of cooking smells shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

Reason:

In order to safeguard the amenities of neighbouring uses.

11. No development shall take place 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 scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to safeguard any remaining archaeological interest on the site.

12. Full details of the proposed surface water drainage and sewage disposal arrangements, including measures undertaken to divert the public sewers, shall be submitted to and approved by the Local Planning Authority, in conjunction with Southern Water, before the development commences. The approved scheme shall be carried out prior to the first use of the building and maintained in a functional condition.

Reason:

To ensure proper drainage and avoid pollution of the area surrounding the site.

13. The premises shall not be open for business outside the hours of:

Ground floor – 0600 hrs to access the boxing use only and 0700 hrs to 0000 hrs for the general use of the ground floor/cafe area and any proposed entertainment;

Roof area – 0700 hrs to 0000hrs with any external doors to be closed by 2200 hrs;

1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup>/ floors to be used from 0700 hrs to 2200 hrs.

Reason:

In order to safeguard the amenities of nearby residents.

14. The recommendations contained within section 9 of the Delta-Simons report, Phase II Geo-Environmental Assessment, project no. 15-1082.01 Issued: December 2015 shall be carried out in full.

Reason:

To protect the environment and human health against contamination and pollution.

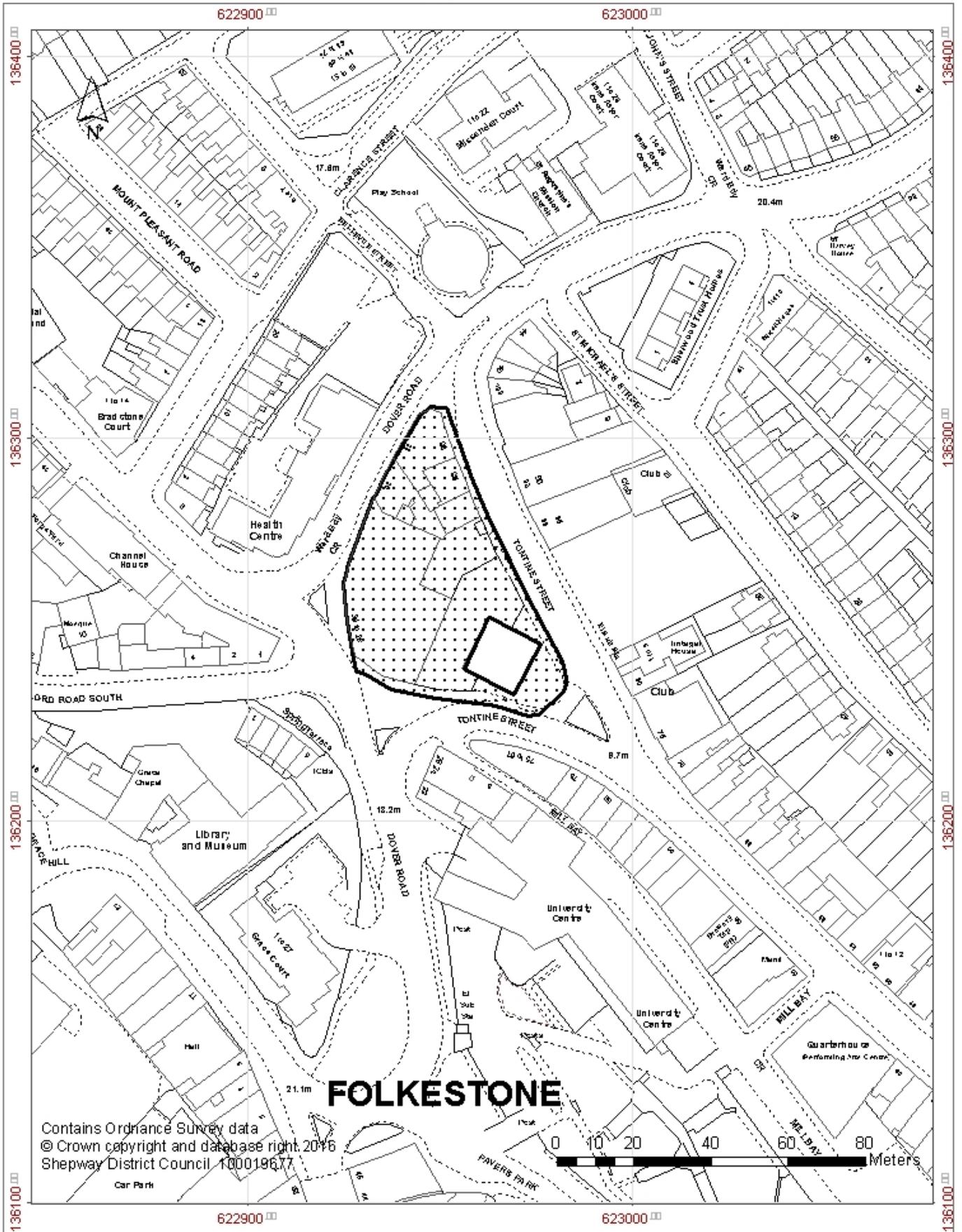
**INFORMATIVES:**

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application pack.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

---

Decision of Committee

Y15/1241/SH  
Land adjoining The Cube and Land opposite 100  
Tontine Street  
Folkestone



Contains Ordnance Survey data  
© Crown copyright and database right 2016  
Shepway District Council 100019677

**FOLKESTONE**

0 10 20 40 60 80 Meters