

Dr Christopher Udenze /
Ms M Powell
Tofts Café Bar
37 Grace Hill
Folkestone
Kent, CT20 1HQ

26th March 2024

Mr L Lloyd
Chief Planning Officer
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent, CT20 2QY

Dear Mr Lloyd

PROPOSED CHANGE OF USE OF No. 37 GRACE HILL, FOLKESTONE CT20 1HQ FROM SHOP TO A CAFÉ BAR (*Sui generis*)

Further to the above, this covering letter supports our planning application for the change of use of a shop with associated storage/garage to a café bar falling outside of Class E. In this respect, as Tofts sometimes hosts small scale music events (approx.10 per year), the use of Tofts has become *Sui generis*. Further information is set out below.

The Application Site

No.37 Grace Hill is an end of terrace, two storey, flat-roofed premises having been converted into a shop at ground floor, with first floor residential accommodation, under planning permission YO3/0282/SH. This consented the conversion of the former Toffs Nightclub (and shop) to provide one dwelling and a smaller shop with the residential accommodation above (the application site). We believe that the works were carried out in accordance with the Planning Permission and No.37 comprised a shop with flat over when we bought it.

The application premises is located to the south-west side of Grace Hill as it leaves Shellons Street and 'turns' north-eastwards into New Street. The premises is located within a predominantly residential area with a mix of houses and flats in the locality and with the site backing on to residential properties in Copthall Gardens.

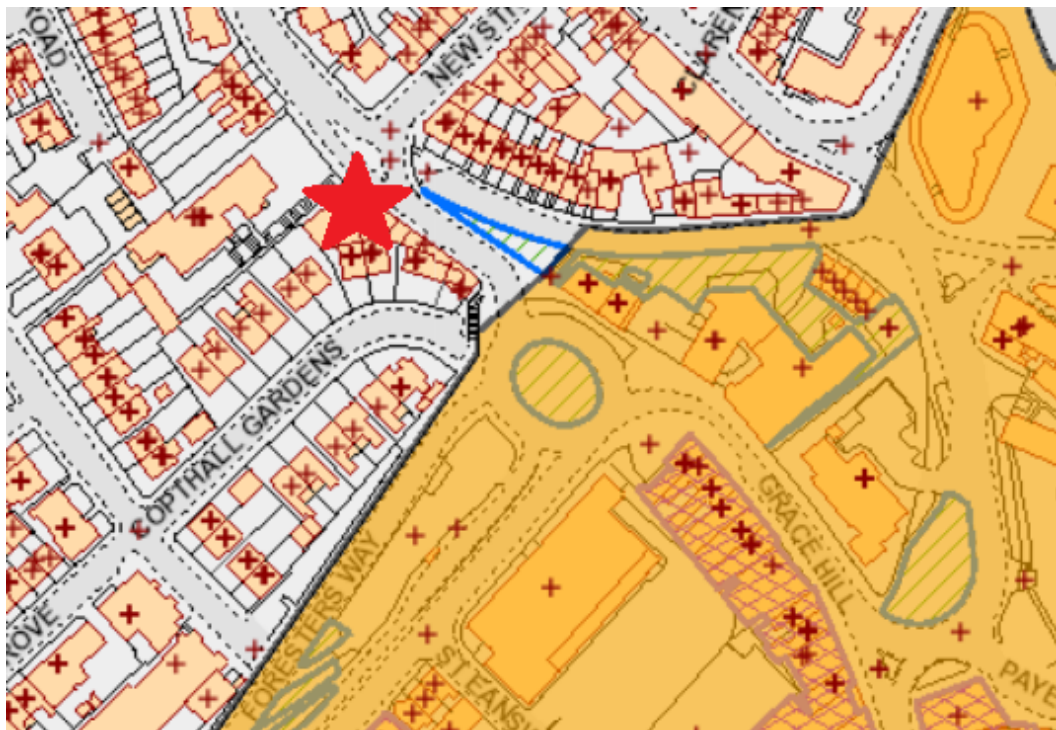
The application premises is not a listed building neither does it lie within a Conservation Area. The nearest listed building is that of the 'Old Harvey Grammar School' building (Grade II Listed) adjoining the site to the north-west.

An assessment of the Environment Agency's Flood Risk maps for planning indicate that the application premises is located outside of an area at risk for flooding in Flood Zone 1.

We attach photographs of the application premises at **Appendix 1**.



Aerial view showing the location of the application premises – the application premises is highlighted by the red star



Extract from the Local Plan Policy Map – the location of the application premises is highlighted by the red star

The Historic Environment

As noted above, the site lies adjacent to a Grade II listed building being the former Harvey Grammar School building. Constructed around 1882, the listing advises that the building was constructed in a vernacular revival style and comprises yellow and red brick with some pointed tile-hanging, stone window dressings and tiled roof.

Although the application premises lies immediately adjoining this heritage asset, No. 37 Grace Hill is situated on ground considerably lower than this adjoining building which towers over buildings in Grace Hill and, in part, those dwellings in Copthall Gardens.

The Application Proposals

The application proposes the change of use (albeit retrospectively) of the ground floor of No.37 Grace Hill from a shop to a café bar. The first-floor residential accommodation will remain as it exists.

Our application comprises:

- The relevant application form;
- A site location plan showing the site outlined in red;
- A block plan. (Annotated to show existing and proposed layout).
- A floor plan showing the former shop layout;
- A floor plan showing the existing, café/bar layout;
- This covering letter (including photographs attached at Appendix 1).

A mechanical ventilation/extraction unit has been installed as can be seen on the photographs attached at Appendix 1. We attach, at Appendix 2, a technical report provided by a Mr M Lannaway who was the expert responsible for installing our cooker extraction ducting. We would be pleased to meet with the relevant Environmental Health Officer at Tofts so that we can demonstrate that this plant has been installed correctly and safely and, as Mr Lannaway advises, in accordance with Health & Safety Regulations.

I can advise that when the property was purchased it already had some internal insulation comprising 4-inch glass-fibre insulation and fire-resistant foil backed 3mm insulation foam.

As can be seen on the submission plans and the attached photographs, the principal customer floor space within the new café/bar is confined to the former shop premises and the small garage area beyond. The larger garage facility to the righthand side of the new café/bar remains a storage area.

There have been no external alterations, and none are proposed.

Planning Policy Considerations

We are aware that the following Local Development Plan Policies will be applicable.

The Core Strategy Review

The Council's *District Spatial Strategy* under **Policy SS1** advises that priority will be given to previously developed land in the urban area in Folkestone to, amongst other things, maximise employment opportunities.

A 'town centre first' policy is promoted by **Policy SS4** concerned with the priority centres of activity strategy. In this regard, potential town centre activities or those creating significant transport demand including retail and leisure uses should be located, sequentially, looking firstly at locations within town centres and then on the edge of centres. Thereafter they should be assessed with regard to their potential impact on the vitality and viability of the defined town, district or local centre.

The policy goes on to advise that sustainable employment development proposals will be encouraged in appropriate locations where they increase employment opportunities in the area.

Policy CSD6 concerns the Central Folkestone Strategy advising that new development in Central Folkestone should deliver investment in the daytime and evening economy through a mix of commercial, cultural, entertainment and educational uses and improvements that may enhance the physical environment/sense of security within the town centre. Whilst the application premises is not located within the identified town centre area as such, it is located immediately adjacent to it and with only a short walk to the main town centre and Creative Quarter in and around Rendezvous Street.

The Places and Policies Local Plan

Adopted in September 2020, the Places and Policies Local Plan allocates a number of smaller development sites and provides the District's 'Development' policy provisions with the following policies applicable.

Policy HB1 seeks quality through design. **Policy HB8** providing general development management advice with regard to alterations and extensions to buildings. It should, however, be noted that the development proposal does not involve any external alterations other than where the installed mechanical extraction unit exits the building on the roof.

The reasoned justification to **Policy RL2**, at paragraphs 11.25 through to 11.39, reiterate the importance of town centres and their role as the heart of the local community and confirming that Folkestone is defined as a 'main town centre' in the retail hierarchy and the focus for shopping, civic facilities, tourism etc within the District. Alongside the principal town centre in and around Bouverie Place, it is acknowledged that the secondary areas such as Guildhall Street and Rendezvous Street provide a secondary support role to the town centre and that Rendezvous Street in particular has a significant footfall and, as a consequence, has established its own 'café culture'.

Although the application premises is not located within an identified secondary shopping area, and lies outside of the main footfall area of Rendezvous Street, it does lie within close proximity of both Rendezvous Street and the main town centre at Bouverie Place. Again, in acknowledging that the application site lies outside of any town centre designation, a review of the policy would suggest that the use of No.37 Grace Hill as a café/bar would be supported, in principle, by the relevant provisions of **Policy RL2**. That said, it is additionally

acknowledged that **Policy RL8** will be applicable given that 'Tofts', as a town centre use, lies outside of the main town centre the premises is not, however, located at such a distance that would warrant, in our view, scrutiny against the requirements of **Policy RL8** given that the policy seeks to guard against larger out-of-town retail (and other town centre) uses that would have consequential impacts upon the viability and vitality of the identified town centres.

The requirements of **Policy T2** and District's parking standards are acknowledged albeit that no parking is proposed for this edge of centre premises.

Policy HE2 is concerned with impacts upon the historic environment and advises that proposals for new development must include an appropriate description of the significance of any heritage asset that may be affected including the contribution provided by their setting.

The National Planning Policy Framework (NPPF)

'The Framework' advises at **paragraph 8** that the achievement of sustainable development means that the planning system has three overarching objectives, those being the economic objective, the social objective and the environmental objective. These objectives are independent and need to be pursued in mutually supported ways.

Section 6 is concerned with building a strong, competitive economy with paragraph 85 advising that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

Section 7 seeks to ensure the vitality of town centres where, at paragraph 90, it is advised that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

Paragraph 91 advises that LPAs should apply a sequential test to planning applications for main town centre uses which are neither within an existing centre nor in accordance with an up-to-date Plan. *"Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period...."*

Paragraph 92 goes on to advise that when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 109 advises that the planning system should actively manage patterns of growth in support of the Framework's objectives to ensuring sustainable forms of transportation. Significant developments should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

The conservation of the historic environment is considered at **Section 16** with the Framework advising in general terms, that development proposals affecting the significance of a

designated heritage asset should be taken into consideration and this includes impacts upon an asset's setting.

Relevant Considerations and Planning Merits

Having identified the relevant local and national planning policies relevant to the determination of this application, we understand that the main issues will be that of:

- 1 The principle of the development involving the change of use.
- 2 The impact upon neighbouring residential properties.
- 3 The impact, if any, upon the character and appearance of the area.
- 4 Any traffic impacts arising.
- 5 Any heritage impacts arising.
- 6 Any biodiversity impacts.

The Principle of Development

When we purchased No.37 Grace Hill, with the intention of turning the existing shop into a café/bar, we believed that this was possible within 'Use Class E'. We were advised that a shop and a café where food is served, principally on the premises, would not require a change of use.

We now believe that this is not the case because we sometimes have live music events although given the size of the premises, these are relatively small scale and low key.

However, notwithstanding the occasional music event, we believe the location of Tofts Café Bar on the very edge the District's main town centre would be appropriate when considering the provisions of the Local Plan and national policy provided by the NPPF. In recognising that our premises is not located within the defined town centre confines, it lies almost immediately adjacent to them and in a highly sustainable location in transportation terms.

As such, we do not believe that it is necessary to undertake the sequential test particularly as the café/bar use could take place without the need for a planning application given the flexibility introduced by 'Class E'. This is because there was no restrictive condition imposed upon the conversion permission (YO3/0282/SH).

We therefore believe that the principle of the development will be considered acceptable.

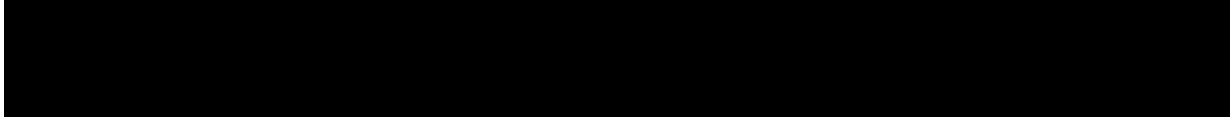
Impact Upon Neighbouring Properties

In acknowledging that the locality is predominantly residential, we are very conscious of noise nuisance, particularly when we do have live music events, but we very much hope that this application will be supported by local people.

We would like to draw the local Authority's attention to the fact that the shop, as approved under YO3/0282/SH, could operate by a 24-hour, 7-day a week basis and that if Tofts did not advertise live music events, then it too could operate on a 24-hour, 7-day a week basis.

We would however like to offer the following hours of operation:

- Monday to Friday 8.00 am to 11.00 pm
- Saturdays 8.00am to midnight
- Sundays 8.00am to 10.00 pm



We are advised that the Environmental Health section of the Council will wish to ensure that the mechanical extraction/ventilation has been installed correctly to ensure that there is no adverse impact upon neighbouring residents as a consequence of odour nuisance. We attach a statement, at Appendix 2, from the plant installer but would invite the Environmental Health Officer to visit the property so that s/he can see for themselves that no odour or noise nuisance will occur.

We do not therefore believe that our 'development' will provide for adverse impacts upon our neighbours either through noise or odour nuisance or in general terms.

Impacts Upon the Character and Appearance of the Area

We confirm that no external alterations have been undertaken nor are any proposed. The extraction system vents on the flat roof and cannot be seen from the public domain. We therefore submit that the use of No.37, as it has been operating since 21st July 2023 will not have any detrimental impact upon the visual amenities of the area.

Transportation Issues

We do not, and cannot, offer any off-street parking and owing to the sustainable location of No.37, we would submit that parking is unnecessary.

Our premises is only a short walk the bus station and local bus stops and only a 10–15-minute walk from Folkestone Central Railway Station. Should anyone choose to cycle to Tofts, we can accommodate their cycle within the adjoining garage, which continues to be used in connection with the ground floor commercial premises and so we do not envisage any conflict with local or national transportation policies.

Heritage Impacts

Again, given that we do not propose any external alterations, we do not believe that the current use of No.37 impacts, whatsoever, upon the setting of the adjoining listed building. Again, we reiterate that if we decided not to have live music then we could operate Tofts without needing planning permission and this must form a 'material consideration'.

Biodiversity Impacts

Again, with no external alterations proposed and with the extraction system venting on the flat roof of the building (without impacting upon any landscaping/trees), there will be no biodiversity impacts whatsoever.

In conclusion, we believe that it will be possible for the Planning Authority to grant us a *Sui generis* planning permission but welcome further discussion and a visit by the Planning & Environmental Protection Officers.

Yours sincerely

Ms M Powell & Mr C Udenze