

**Randall Boenig/ Tatiana Allport**

This letter refers to Planning Application 24/1914/FH, the intent for Change of Use of an old public conveniences facility to be converted into a Cafe

As already noted, this building sits very close to the edge of the Leas Cliff which borders several residential properties. It should come as no surprise that the residents of the surrounding properties, my wife and I included, have all expressed great concerns over this application. Our reasons include issues such as quality of life, invasion of privacy and the possibility of intrusion onto and damage of our personal property. While the immediate arguments presented to the council and parish are geared more towards safety, particularly in terms of ground stability, and of liability should any number of unfortunate events come to fruition, the council and parish must consider ALL valid topics of concern and/or complaints when granting or denying any application

On the topic of ground stability, concerns have already been raised in that the initial green light for this application was given in 2022, prior to one of the most damaging summers in the area in recent history. The following incidents are documented on the F&H Council's own website:

- *Nov 2023 - Cow Path at the Coastal Park.*
- *27 Jan 2024 - Road of Remembrance. Trees blocked road. Two further slips during February*
- *26 Feb 2024 - bottom of Remembrance Road, vegetation and debris brought down behind businesses. This road is to remain closed indefinitely.*
- *March 2024 - vegetation collapse at area in The Riviera, Sandgate on private land*
- *2 March 2024 - area below Madeira Walk, above the Coastal Park*
- *3 March 2024 - multiple behind Sunny Sands beach, bringing a tree down onto the promenade*

Collectively, these have resulted in signs from the council being placed in the Coastal Park warning of falling rocks and landslips

This list is not exhaustive and includes only those incidents that have been reported; it is entirely feasible that other incidents have gone unreported. I also note that during the parish council meeting I attended on 03 Feb 2025, the primary discussion was on the day-to-day operations and functioning of the cafe once opened; I attempted to clarify that our concerns are equally related to the construction process involved prior to opening and that the presence of any vehicles, tools, material deliveries, and any other associated items relevant to the construction process were overlooked. When I tried to raise this matter, it was rather abruptly dismissed.

The property is mere feet from a cliffside precipice that drops down onto private property. The fence that currently separates the public and private land is, as we understand it, owned by the private property residents and installed merely as a deterrent; it is therefore not sufficient to withstand any person or persons impact should they fall or attempt to climb over it. Several residents of the surrounding homes, including ourselves, have already reported occasions of intrusion by members of the public onto our private properties and, in our particular case, theft of our garden furniture.

During my visit to the site last Sunday 2nd Feb 2025, I noted that after the structural survey and against the structural consultant's recommendations, the grass and dirt had been reinstated to the roof of the building in question, increasing the weight load to an already old and weakened building showing signs of decay and damage. Further to this we were given no guarantees that seating accommodation will not be placed onto this roof, adding even more weight and increasing the risk of injury in the event of collapse. The rooftop area has no substantial fence or barrier surrounding it and therefore no precautionary measures to ensure small children (or adults) will not fall from it onto the pavement below or even worse, down the cliff.

Any incidents of collapse or personal intrusion resulting in damage to the private property owner's land, belongings or personal injury have not been adequately addressed. The burden of liability must be removed from the private owners and any necessary insurance policies must be in place so that no accountability, financial or otherwise, shall be held by the private landowners.

As has been stated, the most recent usage of this building dates back some 40+ years and was only ever intended for use as a public toilet facility. The lighting, HVAC, electrical, security, waste and water supply services required for a modern operational cafe are much different than an old toilet facility and no assurance has been provided that the current services are sufficient (which is highly unlikely) nor that the implementation of the necessary services will cause any further destruction or damage to the private land, the stability of the surrounding land, or impose upon the private landowners in any way. The planning application on file states that no intent is made to connect to an existing sewage system and that no provisions are included for the storage and/or removal of regular or recyclable waste. None of these services can interfere or impede on the private land without issues of maintenance responsibility and ownership coming into play.

With regards to the security factor, it has been noted by the Parish themselves that this facility was originally shut down many years ago due in no small part to instances of antisocial and criminal behaviour. The argument put forth by the parish council that these problems do not persist in this day and age is naive at best and, if anything, I suggest may be even more prevalent now. The opening of this cafe may in fact entice more such inappropriate behaviour into the vicinity, exposing the current residents to dangerous situations and loss of value to their properties.

The existence of over a dozen cafes and coffee shops within a short walk of this location indicates that there is a lack of need for development. Furthermore, I would suggest that the surrounding businesses would not welcome more competition in an already overcrowded market.

The proximity and impact on the surrounding residential homes displays an undeniable loss of privacy and detrimental impact on neighbouring amenity. The intended hours of operation are indicated as 7:30am until 21:00 x 7 days a week whereas most cafes in the surrounding areas close well before 5pm. Not only will this clearly have an impact on the quality of life to the surrounding homes, but the lateness of the hours raises questions of an intent to provide supplementary offerings other than those stated.

While it may not be directly related to the application, it should be noted that the business plan has not been detailed and one major underlying concern is whether the success or failure of this business could lead to other long-term problems. It seems that for the amount of investment involved, one would need to have quite substantial coffee sales to make ends meet, much less turn a profit. It is assumed that this application was made under a Class E Change of Use. Class E does not limit the intended use to simply a Cafe but that, under this classification, any number of other facilities may be implemented without a further change of use application. These include, but are not limited to, retail shops, offices, gyms, restaurants, financial and professional services, healthcare services, facilities for indoor sports and recreational activities, nail bars and beauty salons. Allowing approval to pass for this classification could potentially open the door to a host of other unwanted options, should this business fail.

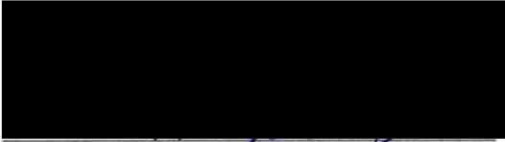
The building is located within a Conservation Area and will have a negative impact on the surrounding foliage and wildlife in the vicinity. The Biodiversity and Geological Conservation section of the planning application on file states that there will be no impact on protected/priority species, important habitats, and features of geographical conservation importance - claims that I would adamantly argue. There are several protected species that call this area home and factors such as construction, increased foot traffic, increased waste and rubbish and noise will result in the potential loss of habitat and damage to the existing plants, animals and the surrounding environment, not to mention future generations.

As a side note about noise, I work in the field of acoustics and can unequivocally state that the noise impact of any business, especially one that accommodates outdoor seating, will be greater than what the average person anticipates. In addition to sound travelling down the cliff slope directly into the private gardens, the elevated position of the proposed cafe will also allow noise to be reflected from the rear of the buildings on the far side of Radnor Cliff and bounced back to these same properties, effectively doubling the problem. Additionally, the inability of sound to travel backwards through the cliff towards The Metropole will focus the noise forward and greatly increase the directional output to those homes in front.

I would like to close this letter by stating on a separate but related note regarding the editing and contextual manipulation of submissions. By removing certain elements of a complainant's commentary, the true intent and meaning of the author's concept may potentially be skewed in an adverse manner. While it does in fact state the practice of this on the website, it does also in our opinion create a biased in the perceived output. While I appreciate it may be tricky for the Parish and the Council to negotiate non-tangible items, there are numerous factors involved in any planning application that extend beyond the physical use of the site and its implications, and these cannot be ignored.



Randall Boenig



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