

Mrs C Lilly,



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Planning Department,
Folkestone & Hythe District Council,
Civic Centre Folkestone, CT20 2QY

To the Chief Planning Officer,

Application Number 24/1914/FH

Proposed "Change of Use" of disused WC block into a cafe, inc small storage extension above the existing retaining wall.

Site Location: Public Conveniences, The Leas, Folkestone

I am writing to outline the reasons why I object strongly to this proposal.

I note in your letter received 18-1-25 that comments "should relate to land use considerations"

However, this proposal involves far more than a "conversion" project with small extension.

Firstly, the Personal Statement included in the architect's "Design & Access Statement" is for a business which involves far more than selling coffees in a tiny cafe. They refer to creating a "community hub" and hosting "events"

Even your title in the advisory letter sent is misleading, lacking any reference to the creation of a venue for events. Thus to limit residents to "land use" comments only seems undemocratic when the proposal itself involves far more than a simple "conversion of a disused public toilet.

However, the biggest issue about any project here is the **location** at the top of a very steep cliff which, only a matter of yards along, has suffered historic and ongoing land slippage causing cliff collapse with public access closed off due to safety issues.

Council signage explains that this entire area on which the Coastal Park sits is itself the product of a landslip in 1784.

The Metropole Steps signage refers to the original steps damaged over the years by natural land movement replaced by wooden steps which may cope better.

Cliffside steps I recall from my days at boarding school here in Folkestone have completely disappeared, and since becoming a Folkestone resident in 1986, numerous incidences of cliff paths suddenly closed, due to land slippage and threat to public safety.

The site of this disused WC block must be considered with specific reference to historic cliff collapse and all recent incidences of cliff collapse and land slippage across Folkestone.

Above the "Cow Path" in the Coastal Park, land collapse at the cliff edge prompted the council to close the footpath (known as Madeira Walk) on the same level as this one at our boundary, with the lower cliff in the park sign-posted all along by the council, **warning the public not to enter due to danger of land and rock slides.**

The list for 2024 includes the Road of Remembrance landslide, with the road still closed and The Riviera in Sandgate, plus the cliff above Sunny Sands public beach. A recent KM newspaper article highlighted these instances and the severity of the problems which need to be rectified, especially in areas used by the public.

Land Structure & Weather

Previous land slippage from memory include the result of sudden and unexpected heavy summer rains in 1996 causing the footpath near the Balcony on the Leas to be closed off; the footpath heading down to the Cow Path was cracking and splitting away from the cliffside.

With public safety in mind and the possibility of litigation if the council and the Folkestone Radnor Estate (some lands of which are managed by the local council) permitted human traffic along these footpaths.

The Cow Path has been closed all last year due to the cliff-edge collapse, even though it's very convenient for those needing a step-free walk or cycle downhill; **the safety of the public must of course come first.**

The point here is that the **land is not the same as when the public toilet block was constructed in the 1930s**. The cliff has endured 90+ years of land movement as well as hurricane winds, and constant storms.

Weather forecasts can advise about impending storms but these land slips cannot be predicted; the geology of the cliff substructure combined with various local factors make this a unique site.

Soil Erosion

Living here, soil erosion is constant despite our best efforts at planting to hold the soil and the replanting of trees killed by Elm disease; erosion caused by wild animals digging into the cliff, the badgers are protected by law and have created a sett on the cliff directly under the location the WC block. Rats live all over the cliff and dig deep as the piles of greensand testify.

Natural Springs

Another feature along this entire cliff are the natural springs; these fresh water springs are visible all along the road and into the Coastal Park. They are natural and part of the geology here but cannot be ignored for potential impact into the substructure.

Earthquakes

In recent years this area has experienced two earthquakes; although the 2009 quake was registered at only 2.8, I was then living in this house and the incident was far more than the effects of a lorry driving past (as described by the British Geological Survey for quakes of this magnitude).

The house shook violently, plates crashed and the ceiling lights swung about, prompting me to move myself and my son to a doorway at speed.

Checking the Geological Survey, the intensity in one area suggested a very direct "hit" from below as opposed to a more widespread effect which didn't happen on that occasion. Thus it's no wonder the Metropole cliff steps and foot paths which show signs of cracking face ongoing damage, as does the entire cliff.

The Proposal

Checking the documents submitted online, there is no mention in the Reports from the Architect, clients' meeting with the Planning Officer held in August 2022 and Structural

Surveyor commissioned to check the historic building's condition, about the LOCATION of this disused WC block on the edge of a steep and dangerous cliff, let alone one which is eroding and has collapsed just yards away.

Standing at the top with the mature trees hiding the cliff directly below, the casual visitor can be blissfully unaware of the cliff edge with very steep drop below, and that this path is running at the same level as cliff collapses only yards along.

However, with regard to professionals working in construction and design of buildings, engineering and safety, one would expect full research into the *entire area*, not just the tiny site of their clients' dream.

The professional Planning Officer (who gave the go-ahead in August 2022), would surely possess some knowledge of the town's unique geographical and geological structure, all of which to be factored into life-changing decisions when a location has a maximum ten feet of pavement before the small grass verge, and the cliff edge.

Its location in a Conservation Area within the Sandgate Design Statement has also been omitted. The Design Statement refers to this cliff and its unique qualities, plus the fact all the trees are protected by Tree Preservation Order. Nothing can be touched without Planning Permission, *after permission* from the owners on the land where the trees grow. Cafe owners cannot touch any of the vegetation even if they want a clearer view out to sea.

Cliff-edge Safety and Security

The picket fence marking the boundary of neighbouring properties to the WC block has been erected at our own, [REDACTED] expense merely as a DETERRENT to prevent persons coming down the cliff into our property; our home backs on to the cliff so anyone entering is in our utility area and where my grand-child plays.

We placed signs on our land to advise persons that there is no public access to the cliff; our neighbours have also had strangers turn up in their gardens and thefts of their garden furniture; it was clear that one of our uninvited visitors was intent on break-in as evidence of a search for door keys was found with all upturned plant pots.

Our fencing and that of our neighbour a [REDACTED] is not designed as a safety measure; the proposal **makes no mention of any safety issues at this site on the edge of a very steep cliff.**

I note in the “comments” online, positive reactions from many parents of young children; how will they contain their natural curiosity to explore the area and hang on to our fence? Small children will do these things quite innocently and parents enjoying a relaxing social coffee-time often are distracted and fail to keep their children happily occupied at table. An accident resulting in broken bones or even a broken neck could easily happen at this location.

Who will take responsibility?

Safety on The Leas

The “hillock” under which the block sits is steep and has no fencing at the top; a fall off the roof could result in serious injury.

However, any safety fencing erected will detract from the natural appearance of this hillock, as will the removal of the grass roof (as recommended in the Surveyor’s Report).

The Loss of the town’s “calm area”

That little hillock is a curious feature on a quiet, residential end of The Leas; at this point I will mention how many of my friends living in flats enjoy the peace of that location, being a pleasant walk from the bustle of the town and the Leas Cliff Hall area; not everyone can afford to take day trips out so that quiet spot without clanking coffee machines and business wheelie bins offers a place of calm already.

Everyone is free to bring their flask or carry a take-away from the Leas Cliff Hall cafe or the Costa coffee shop located in the former Clifton Hotel, or the Skuba bar which, in fact boasts a family garden. The proposal’s reference to the Mermaid on the seafront being the next available cafe facility is not looking at the actual location on The leas. This site is not on the coast it’s on the cliff-top!

Seating & Impact on The Leas Residential West End

The indoor seating space will be limited, thus where will additional seating be placed?

The cafe will need vast numbers of customers to pay all basic running costs, not just ingredients and fuel for cooking but also the legal Minimum Wage, National Insurance, lighting, cleaning and Business Rates and waste disposal, before any profit and repayment of all the investment required at the start.

Where will everyone sit?

If the roof soil and grass is removed and seating placed on top then an additional structure will be required as the Surveyor advised to reduce the weight load on the roof itself.

Any such structure will be far more of an "eyesore" than the hidden disused block which has not been in operation in all my time living here; the 1992 date is incorrect.

That block has been bricked up and ignored; the quoted graffiti is only visible to those choosing to use this path and, as it's not particularly strong visually, one could imagine a few "hippy" flowers from Yoko Ono when she contributed to the 2014 Triennial would have converted it into an artwork as part of her "Earth Peace" project!

According to the Creative Foundation she staged a show at the Metropole in 1966, just yards away; the block could have been rescued rather than dump the heavy "house" art work; the noise from that installation caused us much disturbance.

WC Block and Updating required

With water pipes, drains and electrics dating back to the 1930s, a considerable amount of work will be required to bring this 90+ year old construction to standards suitable for a catering establishment and all services designed for public use.

Although drains may be inspected with cameras, work to replace pipes, electrical cables, install water meter and so on will require digging, power and construction vehicles.

The basic electrical supply for an old public toilet will be unsuitable for the range of food/drink preparation equipment required let alone fridge/freezer, modern lighting and heating; catering establishments are not permitted to use domestic kettles, toasters and coffee machines etc.

There's also the construction of the wooden extension; if lightweight it will require some structure to hold it down in the frequent storms which batter the coast and cliffs.

All this physical disturbance to the cliff edge will impact us living below.

Not just the noise but the physical vibrations and banging into the ground.

Homes on Radnor Cliff have been damaged by such activity in the past.

If any such works creates any land slippage on to us, who will pay damages?

Location & security

A cafe with wall-mounted seats and a public toilet will attract other visitors out-of-hours, even if all is locked up. This path off the main Leas named "Madeira Walk" offers areas clearly used by persons for outdoor sexual activity judging by the items left on the ground

as well as drug-taking. Apparently, in the old days The Leas had its own policeman, sadly not the case any more!

The outdoor waste bin included in the architect's design fails to acknowledge the human habit of leaving rubbish bags on the ground next to any public waste bin, as well as becoming over-stuffed with bags of household waste. These flimsy bags are then broken open by our numerous wild animals and seagulls, with all litter then blowing around; the rats thrive on the cliff as a result. Do the owners really think they will be immune to all these usual human actions?

Day-to-day catering business

As well as all the above, issues of deliveries, waste removal, maintenance and such necessities as the removal of contaminated waste from the toilet the cafe will offer, ie sanitary towel bins, vehicles are involved. How will all this be managed so close to the cliff edge?

The new toilet facility included in the design

Is there a cesspit or is it on mains sewage?

Is the original sewer up to today's standard?

What updating work is required?

Noise projected out

Since living here it's been clear that any noise from persons standing at the top of our boundary, even innocent chatting and laughing, is all projected by the cliff and amplified by the ground and block of flats opposite.

Every event on The Leas which includes loudspeakers, such as 'fun runs' sounds incredibly noisy at the base here due to the science of sound movement and projection. Times when we're trying to enjoy our garden when people stand at our boundary edge it sounds as if intruders are using our wooden platform. Noise projection has not been included in any of the professional reports.

Nobody ever came to look at the cliff over which the WC block sits.

Professionals would need to access the cliff from our property or our immediate neighbours to view the landscape. Even if a drone had been used, there's no mention of the steep cliff or possible cliff-structure issues in the proposal.

Local comparisons

It has been suggested by a parish councillor that comparison can be made to the "toilet block to cafe conversion" on Sandgate seafront some years ago.

This site being totally different, sitting on an eroding cliff-edge, within a quiet residential area, quite simply cannot be equated to that project on the level sea wall.

Stormy weather can be forecast and the Met Office issue warnings of severity to avoid coastal locations but cliff erosion has happened suddenly and without warning. With regard to noise, the seafront cafe is near a popular pub and the traffic of Sandgate High Street. It was already a busy spot to sit at the beach there as I know from living in Sandgate village itself some years ago.

A potential cliffside cafe on a very quiet path cannot be thought of in the same way as a conversion along what was already a very busy seaside site; previously folk would need to go to the High Street to purchase drinks, ice creams etc. crossing a busy road to the newsagents in our day.

Insurance

If Folkestone & Hythe Council acting for the Folkestone Estate in this Conservation Area within the Folkestone Estate boundary, permit this conversion and construction project on the edge of a very steep and clearly eroding cliff-edge, which is already sealed off in parts by the same council, **who will take responsibility for damage caused by any cliff fall and/or land slippage including injuries to persons and property?**

Is it the Council?

Or Lord Radnor's Folkestone Estate?

Or the owners of the cafe business?

Or the professionals who allowed the project to go ahead?

Land use projects in the public domain can never be just about "land use"; human activity within the physical scenario and thus all consequences of such combinations are critical.

Yours faithfully,

Mrs C. Lilly

