

**THE PARISH COUNCIL OF ST MARGARETS-AT-CLIFFE**

***Following the sad death of Her Majesty Queen Elizabeth II on 8 September 2022, the Parish Council expressed its thanks to her late Majesty for a life spent in the service of her country.***

Minutes of the Ordinary Monthly Meeting of the above Parish Council held on Monday 10th October 2022 at 7pm at St Margaret's Hall.

Present: Cllrs Rebecca Simcox (in the chair), A Newton, A Fielding, P Blake, J Harris, G Simcox together with Clerk. Apologies for absence received from Cllr T Gilham (illness). County Cllr Steve Manion together with District Cllrs Oliver Richardson and Martin Bates also in attendance.

**Public Participation:-**

Peter Wells - following his recent bad fall in the South Foreland Valley, he asked whether improved signage (to perhaps include the numbering of gates) could be undertaken to assist the Ambulance Service / all emergency services in locating victims following emergency calls. Cllr Newton will liaise with WCCP in this respect.

David Hall -

- advised that hedge/vegetation at far end of Upper Road had still not been cut back - reported by Clerk previously.
- Re property Pauldene, Station Road - the hedge outside this property needs cutting back - Clerk will report to Highways.
- Asked why Reach Road was closed without notice last weekend (2nd Oct) - no information available.
- Reported the ongoing safety issue of vehicles parking on the brow of Bay Hill - can enforcement be undertaken by DDC? Also question re enforcement of dogs on beach order by DDC.
- He asked if the upcoming footpath walk could include ER25 as he believes an electric fence has been erected very close to the path.
- Re Sunnymeade - bungalow now demolished - planning consent given?

Viv Verren -

- expressed thanks from the Church re painting etc on Church steps.
- Raised a question re vegetation along Church wall fronting the High Street - Cllr Bates will speak to Darran Solly re this.

Penny Bailey -

- expressed the view that the dog signs on the beach are not large enough.
- railings in The Bay need re-painting.
- reported dogs seen on beach and question visits by dog warden. Also reported parking spots in The Bay get very muddy after rain.

Question was put to Cllr Bates as to frequency of visits by dog warden to King George V Field and Alexander Playing Field - he will investigate.

1. The minutes of the Parish Council meeting of 11th July 2022, having been circulated to all Councillors, were confirmed as a correct record of the meeting.	
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(Cllr Newton questioned whether the defib at the Alexander Pavilion is being moved - Cllr Fielding in liaison re this. She also asked whether resident had re-approached PC re light from the Church cross; Clerk advised she had heard nothing further).	
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2. Cllrs Fielding and Blake both declared a personal interest in the agenda item for the White Cliffs Hotel under Planning.

3. **County and District Councillor Reports**

- County Cllr Steve Manion advised that he had received a response from Cabinet Member re the Nursery advising “no budget” is available. He will return and attempt to set up an all-party meeting to include the Nursery and Parish Council.
- Advised that KCC had continued with re-surfacing of roads through the summer but emphasis through the winter to be on potholes.
- Ukraine - Kent as a county has one of the most groups of guests from Ukraine. Stressed that more clarity is needed for hosts following the six month period, with a more sustainable solution required.
- Cllr Blake raised the question of follow-up works in Granville Road following re-surfacing undertaken - drains are still partially covered. Clerk had previously emailed Cllr Manion in this regard.

District Cllr report - attached to minutes.

Cllr Simcox raised the issue of site allocations in St Margaret’s in the Local Plan, specifically SAP40 which appeared as a “green” site for approval (previously amber) just one day before end of consultation period - this did not provide time for the PC to raise comments. Cllrs Bates and Richardson will check on this tomorrow.

Cllr Bates advised that following meeting to “sign off” on the Plan on Wednesday at DDC, a seven week period of consultation will ensue when any objections raised will go directly to the Planning Inspector who will consider any concerns. (There are two further stages of consultation).

PC will meet to discuss way forward.

Cllr Simcox raised the question of lack of mobile coverage in The Bay / South Foreland Valley. Cllr Richardson advised that wi-fi would be needed (CCTV being considered in The Bay). Cllr Simcox advised there is already cabling in the area, together with a land line so this should not be difficult to overcome.

4. **Clerk Report**

- Number of emails received on protocol etc following death of Elizabeth II.
- Further signs ordered re “no ball games” - received - passed to Cllr Blake.
- Stephanie Wadhams at Kent Highways re question of Alexandra Road clearance (per email). Kent Highways would not consider spending funds on clearing this road.
- After over a year with very little comeback, DDC have agreed to install two bins - one at Alexander Field, the other at King George V Field. Cllr Blake is taking forward. PC already agreed to fund.

Cllr Blake to liaise

<ul style="list-style-type: none"> <li>● Met with DDC reps re Reach Road toilets - this is part of their annual review. Although no increases at present, this is not off the table.</li> <li>● Christmas trees (ordered 2) and nativity crib festival - which Councillors to be involved? Clerk to speak to David Hart to confirm delivery date for trees.</li> <li>● Request to Highways re refreshing white lines sent - ref. 645447 (reported 13 July, still "under investigation as at 4th October).</li> <li>● Footpath walk - Sunday 16th October. Cllrs Harris and Newton to do teas/scones (for 40 suggested).</li> <li>● Have contacted cleaning contractors Bio-Cleanse re Alexander Pavilion - quote at £1,200 - will seek further quote.</li> <li>● New gate in place at Cemetery and paid for.</li> <li>● Clerk and Chair met with new Community Warden Kerry Skirrow - now fully in role.</li> <li>● Request from gentleman looking for building for guitar practice - referred to Hall.</li> <li>● Ordered wreath for Remembrance Sunday via Sandy Liggins.</li> <li>● Electricity substation fence damaged - reported to Power Networks.</li> <li>● Reported to PROW re ploughed field and sent Simon Creed's photos - NOT a PC responsibility.</li> <li>● Defib "out of service" reports continue - Simon Creed very good at checking and Clerk updates on receipt of his confirmation.</li> <li>● Booked and paid for course for Cllr Blake re play equipment inspections (£80).</li> </ul>	<p>Clerk to deal</p> <p>Cllrs Newton and Harris to deal</p> <p>Clerk to deal</p> <p>Chair to attend service</p>
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<p>5. Lack of mobile coverage in South Foreland Valley - discussion above.</p>	
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<p>6. <b><u>Planning</u></b></p>	
<p>The following decisions were made on applications since July under Clerk's delegated powers:-</p>	
<p>22/00942</p>	<p>Erection of garden wall, installation of solar panels to garage roof and rear garden area (existing garden wall to be demolished) The Shrubby, St Margarets Road <span style="float: right;"><i>No objections</i></span></p>
<p>22/00447</p>	<p>Erection of side link extension between dwelling and annexe, insertion of roof lights/second floor windows and balcony (Existing chimney removed) - Colton, 25 Granville Road <span style="float: right;"><i>No objections</i></span></p>
<p>22/00997</p>	<p>Erection of a single storey rear extension (existing extension demolished) - 6 The Avenue <span style="float: right;"><i>No objections</i></span></p>

22/01011	Change of use of land to Gypsy/Travellers site for 3no. pitches, each pitch to provide space for mobile home, touring caravan, and associated parking for car and light goods vehicle - Sherleys Farm, Upper Road	<i>Object as previously</i>
22/00926	Erection of a single storey rear extension to outbuilding to form annexe, insertion of door/window to side elevation of dwelling, widening of front steps, installation of lift and ramps - Anvil Cottage , 31 Kingsdown Road	<i>No objections</i>
22/00477	Erection of a detached dwelling, new vehicle access and parking, construction of retaining and boundary walls - Land At Old Chapel, Sea Street	<i>Object per attached</i>
22/01091	Variation of Condition 2 (approved plans) of Listed Building Consent DOV/21/00318 (application under Section 73) Works to former boat house; installation of 1no rooflight and relocation of window to proposed extension. - Bay Hill Close, Bay Hill	<i>No objections</i>
22/01009	Certificate of Lawfulness (existing) for continued use of land as residential garden - Shalimar Well Lane	Object - site location is misleading as the map provided is out of date and does not show Meadow View. If approved, no noise or other nuisance to affect neighbours.
22/00886	The installation of 3 new antenna and 3 RRUs via new brackets on existing mast brackets, the installation of a GPS node at ground level, internal works to equipment cabin and ancillary development.- Swingate 2 Air Ministry Station, Swingate	<i>No objections</i>
22/00885	Installation of 3no. new antenna, 3no. RRUs on existing mast brackets, installation of a GPS node at ground level, works to equipment cabinet and ancillary works - Swingate 2 Air Ministry Station, Swingate	<i>No objections</i>
22/01144	Pollard by approximately 5 metres of one Holm Oak the subject of Tree Preservation Order No 1 of 1976 - Holm Oaks, Dover Road	<i>Refer to Trees Officer</i>
(a) The following comments were made on the new applications considered:-		
20/01566	Change of use to and conversion into 3no. dwelling houses with associated parking, first floor extension to one side with double hipped roof and associated external/internal alterations - <b>The White Cliffs Hotel, High Street</b>	<i>Object per attached</i>

20/01567 Alterations to facilitate conversion to 3 residential units. Internal demolition on all floors of partitions, with the erection of new including party walls to form subdivision. Ground floor: insert 2no staircases, first floor: remove 1no staircase and form 1st floor extension to plot3. Second floor: insert 1no staircase. SW elevation remove 1no window, insert 2no doors and 1no window. Remove single storey side addition roof to form 1st floor extension. NE elevation replace 1no window with door. SE elevation remove 3no first floor windows & alter 2no second floor windows. Remove central chimney stack, remove and insert new drainage pipes and remove 2no rear rooflights

**The White Cliffs Hotel, High Street**

*Object per attached*

22/00662 Erection of a single-storey outbuilding to house a pool and annex accommodation -

**West View, Station Road**

*No objections*

22/01057 Upgrade to sewage treatment works and septic tank -

**South Foreland Lighthouse, The Front**

*No objections*

(b) Following approval of removal of Condition 15 from previous applications, PC had now responded as above to new applications received. Clerk to phone estate agents Bright and Bright re marketing of business.

(c) Clerk had submitted request to DDC for Glebe Field to be determined as an Asset of Community Value; together with supporting documentation from Village Hall. Clerk reported no response from DDC as yet. It was noted that Planning Officer had stated the applicant had been given until the end of September to supply an amended application - nothing heard.

(d) Cllr Fielding advised that PC objections to sites in DDC Local Plan must be on material considerations only. Council will meet to discuss.

Clerk to deal

**6. Finance and Accounts**

(a) The following payments made were approved:-

Lister Wilder - equipment repair	£73.26
Castle Water - water rates	£50.38
Credit card - course booking/ink costs	£92.49
Dover Security Services re SF Valley	£216.00
M Robinson re planning advice	£250.00
Richard Buxton solicitors - legal advice	£248.40
R Purchase - September invoice	£1,146.19
NEST - Clerk and Council pension	£232.94
Jane Cook - Sep salary	£1,365.83
Jane Cook	£20.00
HM Revenue & Customs	£317.95
Castle Water - water rates	£15.67

Clerk to check DSS payments re scheduled hours

Tarki Technology - finance software  
 ICO - annual fee re CCTV  
 Google Cloud  
 Mr I Miller - Registrar fee/expenses

£35.00  
 £35.00  
 £46.00  
 £307.00

(b) Grant of £250 agreed re new Pop-Up Cafe at £250.

£4,452.11

Clerk advised that report from external auditor had been received - no matters to report and now to be published on website.

8. IT WAS RESOLVED that request for memorial bench at the Civic Cemetery be approved - Clerk had contacted applicant.

9. **Correspondence**

Per list provided - of note:-

- DDC re new Deal Leisure Centre proposals.
- Samantha Stanley DDC re Kent Pilgrims Festival.
- K Brinicombe re flooding in Upper Road.
- Cllr Bates (from Keith Watson) re requested Bay repairs.
- KALC re Queen's Green Canopy - Memorial Tree Planting. Cllr Harris will make contact with Tree Warden in this respect.
- Hilary Johnson DDC re Shalimar application.
- Daniel Walsh + Paul Jaconelli re litter bins.
- Matthew Baxter re cutting of grass at Alexander Field grasscutting.
- Resident re hedges / obstruction of High Street by vegetation. Clerk had reported to DDC re clearance.
- Manston Airport Team - Manston Airport Airspace Change Proposal - Stage 2 Gateway Assessment Update.
- TG Designer Homes re Bay Hill Cottages. It was agreed that PC would await formal application.
- C Little, South Foreland Valley Valley volunteers - mowing areas adjacent to Seaview Road. Clerk to liaise re contact with Rhino Plant.
- Dover Area Committee Meeting of KALC - 26th October. Cllrs Harris and Blake will attend.
- Email from Cricket Club re erection of shed at King George V Field - confirmed that PC had no objection and Clerk will add to next agenda.
- KCC Highways Seminars - 12th and 13th October.

Cllr Harris to deal

Clerk to respond

Clerk to deal

Cllrs Harris and Blake to deal

Clerk to deal

10. **Reports from Councillors**

- Cllr Newton reported on South Foreland Valley:-
  - naturists have re-appeared on several occasions.
  - Dougie helped a man who had run out of fuel in the Valley.
  - A number of suicide attempts have been seen in the area.
  - Request to clear two compartments within the Valley (too large for volunteers).
  - Cllr Newton asked Chair for a map of the location where fencing is required in order to approach Natural England.
  - Footpath ER40 needs cutting back (R Purchase) from top of Lighthouse Road towards Lighthouse.

<ul style="list-style-type: none"><li>○ A couple of cattle grids need clearing - Cllr Gilham will investigate when he is feeling better.</li><li>○ Report received from WCCP (attached).</li><li>● Cllr Blake reported on the course he attended re playground inspections: advised that PFI forms need to be kept for 21 years. Anyone has 3 years after an incident to make a claim against the PC. Clerk was asked to look for any maintenance instructions for play equipment. Advised that zipwire should be taken down yearly and inspected. Advised that gates within a fence should be painted a different colour and he will speak to Ross Purchase re this.</li><li>● Cllr Harris will make contact with Tree Warden.</li><li>● It was agreed that the pursuance of any adverse possession claim re the land to the rear of The Avenue would not be taken forward. As regards the land to the rear of the bus shelter and in front of the Old Chapel, Clerk will start on adverse possession claim for this.</li><li>● Re Jessamine Cottage - Cllr Newton advised of new obstructions in the path, although caravan had been moved. Chair will speak to Community Warden in this respect.</li><li>● Hedge outside "Bloms" in The Drove way is encroaching - Clerk to report to Highways.</li><li>● Cllr Fielding is not receiving too much response from Kent Highways re HIP proposals, in particular the speed survey and possible introduction of a 20mph speed limit. 3 new proposals re double yellow lines at £3,850 cost to be investigated. together with proposal re junction changes in Reach Road.</li></ul>	Cllr Harris to deal  Clerk to deal  Clerk to deal
<p>11. <b><u>Village Maintenance</u></b></p> <ul style="list-style-type: none"><li>● Cllr Fielding noted that the hot water and showers at the Alexander Pavilion do not appear to be working. Clerk to make contact with electrician John Muir to investigate.</li><li>● Clerk to seek further quote re deep clean of Alexander Pavilion.</li><li>● Playing Field inspection undertaken by Cllr Blake - report received.</li><li>● Cllr Blake had spoken to resident in Chapel Lane re broken window. Clerk to contact DDC to ask for further street sweeping to clear stones/grit in the area.</li><li>● Martin Hunt Tree Warden had been in liaison with Cllr Blake re tree planting etc along the Church Wall boundary with the car park, with suggestion of roping off area. Further contact from him awaited.</li><li>● Re Christmas - PC to co-ordinate local businesses/groups in this respect - Cllrs George Simcox/Tony Fielding re Hall/Peter Blake together with Ross Purchase.</li><li>●</li></ul>	Clerk to deal  Clerk to deal  Clerk to deal

There being no further business, the meeting closed at 9.05 p.m.

Confirmed:

Chair

110th October 2022

## MEETING REPORT FOR ST MARGARETS AT CLIFFE PARISH COUNCIL ON THURSDAY 10.10.22

### The Passing of Her Majesty The Queen

Following the passing of her Majesty on 8th September a period of official mourning ensued until 19 th September. Most DDC public meetings were therefore either cancelled or postponed. The only events to take place were the reading of the Accession Proclamation in the Council Chamber on Sunday 11 th September, the Planning Advisory Group and the Planning Committee. Other public bodies such as parish councils also followed suit. DDC business has now returned to normal.

### Community Grants

The closing date for the winter phase of the scheme has now passed with a total funding of £278,861.20 applied for. Awards to be made 15 November.

### New Deal Leisure Centre Proposals – Public Consultation 20 September to 9 October 2022

The Council has been undertaking early feasibility work for a proposed new Leisure Centre in Deal. In August, we asked Tides Leisure Centre users and the wider community for their initial thoughts about what type of facilities they would like to see in a new centre. They have been seeking further feedback during the next phase of public consultation which started on 20 September and will end on 9 October.

DDC has held four drop-in sessions with members of the project team where a copy of the emerging proposals were presented, and the proposed development was talked through.

### LOCAL PLAN UPDATE

The Reg 19 draft of the Local Plan was passed at Cabinet on the 3 rd October. It will follow now be examined by the Overview and Scrutiny Committee on 10 th October and will then be discussed by an extraordinary session of the Full Council on 12 th October. Should the document be passed at Council then DDC will publish the Plan for a period of local consultation lasting 7 weeks.

From what I have seen so far there do not appear to have been any changes to the sites identified in this area during the Schedule 18 exercise but this will become more apparent once the Schedule 19 draft is published.

### LOCAL ISSUES

#### 1). The Bay Car Park

During the course, of the summer PSPO notices were erected for the new order in relation to dog fouling, alcohol consumption and unauthorised camping but complaints have persisted round the number of camper vans that have been used over the summer to sleep in overnight. I have had discussions with the Anti-Social Behaviour Team and the legal adviser to see how we can strengthen our approach to the enforcement of these activities. The fact is that whilst they have the powers to enforce unlawful camping activity there has to be an anti-social activity element linked to the activity in order for the ASB Team to take action and the evidence has not been there. One particular resident and the SMBCA remain unhappy with the situation, and we are in the process of arranging a meeting with the resident and senior officers within DDC to try and achieve a resolution.

#### 2. 36 to 38 The Droveaway

A continuing saga which refuses to go away. The builders have still failed to comply with the conditions attached to the last retrospective application and the enforcement officer continues to try and negotiate an agreement with them. I did receive an update from the Planning Enforcement Team Leader very recently stating that they are now considering next steps and she has promised to let me know as soon as they have made a decision. In the meantime the properties have been advertised for sale. Should someone decide to purchase them then the responsibility for redressing the outstanding issues will fall on them.



### 3. Conservation Appraisal for St Margaret's Bay

This is progressing positively. The DDC Conservation team are very keen to get the initial draft of the Conservation Area Character Appraisal (CACA) to Cabinet in November. This requires DDC to submit take a lead in paper to its Leadership Team on October 18th. Observations from SMBCA on the draft and the Conservation Officer has assured them that their concerns/ comments will be addressed. One of SMBCA's main concerns relate to the prevention and avoidance of light pollution, particularly in the Bay Area. It is felt that the dark skies have been an intrinsic part of the character of St Margaret's Bay for over 70 years. This total lack of artificial light on the promenade is in steep contrast to Deal, Walmer, Folkestone and Dover and adds to the quiet almost secretive charm of the bay. Once approved by leadership team and then Cabinet in November, the formal public consultation will commence. BMW has invited and Alison Cummins has accepted to attend the next SMBCA meeting to present the draft CACA.

### 4. Further Repairs to the Sea Wall

Jane wrote to us on 14 th September concerning further attention that needs to be given to the sea wall in the Bay. These include:

Steel reinforcement rods sticking out from the lower parts of the sea wall (about a dozen) along the stretch parallel with the grassed area. This is caused by the sea eroding the concrete over time and needs inspecting/sorting at low water.

Construction joints in sea wall need attention.

Tarmac at edge of sea wall - large gaps have appeared.

Handrails / metalwork needs repainting.

Keith Watson has replied to say that the issues that concern them are all known and there may be a requirement for a capital bid to be made for funding in the next financial year.

Objections to Old Chapel application:-

PC objection to 22/00477 re Old Chapel

The PC objects to this application as the proposed dwelling would result in a very cramped development in this location. The new build would obscure the historic Chapel and have a harmful effect on the street scene which is opposite the Conservation Area. The design is incongruous and out of character in this particular setting. There is now a very contemporary design building adjacent to the site and contrary to a planning officer's claim it would not dominate the street scene this photo taken from the Conservation area shows it clearly does.



Another similar design house next to it would completely change the street scene in this central area. It would also destroy the siting of the sensitively restored Old Chapel that has long defined the character of the street in this location.

The Parish Council has consulted the Land Registry map and believes that part of the proposed building plot, adjacent to the bus shelter and BT Cabinets, encroaches on public land. The boundary runs parallel to the BT Cabinets across to the entrance. This allows space around the bus shelter for maintenance purposes.

The proposed new dwelling would come too close to the bus shelter.

## **Parish Council Objection to Planning application 20/01566 and 20/01567**

This planning application has been re-submitted with an amended Viability Assessment. It follows the removal of Condition 15 from previous application 19/01112.

The consequence of the removal of Condition 15 is that the business must now be assessed as a pub/restaurant/hotel rather than just a hotel.

The Parish Council are saddened that the applicant wishes to discontinue the hotel business, disappointed as we are told of the success of the AIRBNB lettings, financials of which are missing in this latest study, and we note the regular visits of the laundry truck however we are going to focus our objection to the pub/restaurant business - The ground floor of the building.

The LDF Policy DM 24, Retention of Rural Shops and Pubs, applies to this application.

This states:

***“Planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub (as appropriate) have failed.”***

The Parish Council’s previous objections to 20/01566 and 20/01567 demonstrate that loss of the pub/restaurant provision would harm the economic and social viability of the community and those objections remain.

There has been no evidence that the whole business has been genuinely, let alone adequately, marketed or that the pub/restaurant element has been marketed at all. The Strutt & Partner brochure uploaded to the planning portal does not mention the pub business and we have been reliably informed by that Agent that the marketing was restricted to likely buyers on their books in the boutique hotel business only and they were specifically told not to promote via the public trading platforms such as Rightmove or Zoopla (from Dec 2019 – for 6 months)

More recently the Parish Council remains in regular contact with local Estate agents whose very existence depends on knowing what is happening on their patch, and the White Cliffs Hotel, Bar or Restaurant in any guise, has not appeared. We did note that Bright and Bright had a “For sale “ notice up for a few months but we believe this was to do with the new residential units. This is being checked.

Both the new Viability Assessment and the previous one are based on estimated income and costs, in the absence of normal HMRC accounts. Neither study is independent, and both are very narrow in their evaluation of business opportunities. Therefore, the application fails to meet the requirements of LDF Policy DM24 and would also fail the provisions of Policy PM6 in the new Local Plan, in particular paragraph 6.97 which states:

***“In the rural areas, with regards to loss, or overall diminishing of services in a settlement/area, the applicant must submit detailed commercial viability evidence to support the loss of the provision. This should include evidence that adequate and genuine attempts have been made to market the premises for***

***community use, as appropriate, but have failed to produce a viable offer. Marketing should be through an appropriate agent and for a period of time that fully tests demand having regard to the buoyancy of prevailing market conditions at the cost of the applicant."***

Although the Parish Council maintains that the amended Viability Assessment does not provide a valid justification for change of use of the White Cliffs hotel, and fails to meet Policy DM24 requirements, it notes that it does contain several statements and estimates that undermine its own conclusion.

It does not consider a business model as a pub/restaurant only (no hotel) or other ways to use the upstairs floors without impacting the look of the Grade 2 listed building within the conservation area at the centre of the village.

#### **Page 4 (Factors Affecting Viability)**

Mentions weaknesses: *"Only six car parking spaces on site; No on-street parking available nearby; Reach Road car park is already intensively used by local residents, with a maximum permitted stay of 24 hours"*.

There is no consideration here as to how these factors present as a threat or weakness to the continued operation of the pub/restaurant. The nearby Smugglers Inn operates very successfully with no parking at all. Most pub drinkers & those who go out for a meal will not be driving. Walkers rambling along the Heritage Coast require sustenance too.

KCC Highways has not raised an issue.

#### **Page 5 (Internal Description)**

The inference is that the pub/restaurant could only accommodate 34 guests. (8+10+16) This belittles the size and potential of this facility. Most of the current councillors have been present for birthday parties or Curry and Quiz evenings at the Cliff's where there has been well in excess of 100 patrons inside the building. This section also neglects to mention the large beer garden, the sheltered and open outside seating areas and covered pizza oven facility.

#### **Page 17**

The consultants acknowledge that Condition 15 has been removed from the existing consent but *"are still of the opinion that the local road layout is problematic for the efficient running of the hotel"*. But they still do not acknowledge that the alleged difficulties with the road layout/absence of parking etc would **not** be problematic for the efficient running of the pub

#### **Page 5 (Fair Maintainable Trade Assessment)**

States *"The bar/restaurant facilities can now be used by non-resident guests, but the limited availability of on-site parking, the narrow road layout and the lack of pavement outside of the subject property is still far from ideal. Nevertheless, we consider it reasonable to assume for the purposes of the assessment that some local villagers would be prepared to walk to the property from along the road"*. It is documented in the report that the estimated annual revenue of the pub/restaurant alone is likely to be £320,000 (gross profit would £200,000 i.e. 62%). Whilst this is just an estimate and is not the actual profit, it could be a more profitable business if it was operated more efficiently. See the Expenses Table on page 23 which also appears to be estimated. Not sure why this owner cannot provide HMRC accounts.

States *"Our assessment of Fair Maintainable Trade for the hotel, bar and restaurant combined is £390,000 per annum, with gross profit at £265,000 per annum"*. This figure factors in the hotel element of the premises. The consultant claims that a fair maintainable trade would result in a gross profit of £265,000. If we consider our original argument, concerning primary and ancillary uses etc, the fact that the gross profit of the pub/restaurant alone is estimated at £200,000 and hotel estimated at £65,000 suggests that the primary use of the planning unit

would be that of a pub/restaurant and the hotel element is ancillary. **Therefore, compliance with Policy DM24 should be the primary concern here.**

If the first-floor hotel element was rented or sold as flats, the ground floor pub/restaurant would be even more profitable as staff costs, utilities, repairs and maintenance costs and, all other costs listed in the Expenses Table on page 23, would be reduced considerably.

### **Page 23 (Expenses)**

It is difficult to comment on the estimated expenses in the absence of specific accounts. However, they are very narrow in their thinking and have not considered other options/alternative uses and/or rationalisation. For example, you would not have a £10,000 laundry bill if you were only running a pub, so that cost could be deducted from the expenses. Similarly, all other expenses on the list would be reduced considerably if you sold the top floor. The title or leasehold could be drafted by the sellers' solicitors in such a way that the obligation for the maintenance and repairs of the building could largely fall on the owners/leaseholders, which would reduce the overall costs that the new pub owner would pay. The estimated £40,000 operating profit that they are claiming lacks credibility because it is based on an all or nothing business model.

The bottom line is, the viability consultants have not tested the market, so this is not a tried and tested viability report. It's an opinion, it's not independent and it's not objective as it was undertaken on behalf of the applicant and paid for by the applicant. Moreover, the consultants have yet again failed to consider the pub operating in isolation of the hotel which is indefensible given that the pub component of the planning unit is by their estimation more profitable than the hotel. The hotel and pub needn't co-exist. The top floor could be sold or rented as flats and the ground floor could continue to operate as an even more profitable pub since its costs would be more than halved.

In the current LDF section relating to Policy DM24, paragraph 1.78 states:

*“ The Council will have regard to the way in which the shop or pub has been managed. The Council's study into rural shops found that viability issues were often closely related to management techniques and a failure to keep up with competitors”.*

This Viability Assessment indicates that the pub/restaurant business is significantly more profitable than the hotel element and could be greater if it was run efficiently. When Covid struck in March 2020 the owners of The Cliffe closed the pub/restaurant but continued to operate the hotel side in a range of forms until the present day. It is advertised on its website as [The White Cliffs Retreat](#). It has retained the low profit/high cost functions and discarded the more than 3 times profitable pub/restaurant amenity. This suggests that any viability issues are more a result of ineffective management and poor decision making than an inherent weakness in the business.

### **Summary.**

The Parish Council maintains its strong objections to applications 20/01566 and 20/01567.

It has demonstrated that loss of the White Cliffs pub/restaurant will cause harm to the local community. It reiterates that 10 years ago the village centre of St Margaret's at Cliffe was served by four pubs but these applications would reduce that number to one. It will result in loss of much needed hospitality provision for not just locals but visitors. St Margaret's is on the Kent Heritage Coast which is ranked as one of the best places to visit in the World! The National Trust's White Cliffs of Dover is just 2 km away – a short walk along the beautiful headlands.

There is no mitigating public benefit.

There is no credible evidence of marketing the business as a whole, or as a pub/restaurant on its own, for a required period. The applications are not compliant with LDF Policy DM24.

It does not accept the hypothetical assessments which claim the business is not viable and believes that ineffective management is responsible for any weakness in profitability in recent years. It had flourished as a rural Inn for over a century. Many of the 59 local objections to these applications refer to poor management practice even in pre-Covid years and a Daily Telegraph review commented adversely on "too laid-back service and cleanliness and high prices". With its central location and large garden this business has the potential to be highly successful.

The change of use to residential would cause permanent harm to the appearance and setting of the Grade 2 listed building and harm to the Conservation Area in the centre of the village.

The viability assessments fails to support change of use and therefore consent should be withheld.