

Committee Date: 02/11/2000

Item No. 01 **RcmDcn** ALT
Ref. No. DOV/97/00659 **Location** 73 & 75 Albert Road and land adjoining and including Hutchings Timber and 79 Albert Road, Deal

Proposal a) demolition of nos. 73 & 75 Albert Road; b) construction of replacement vehicular access to Hutchings Timber, The Builder Centre and CourtMarsh Farm, sites of 73 & 75 Albert Road and c) variation of conditions to allow for retail sale of timber, DIY and gardening products at Hutchings Timber, land at 79 Albert Road, Deal

Item No. 02 **RcmDcn** GTD
Ref. No. DOV/98/00732 **Location** Reece Adams House, Cauldham Close, Capel-le-Ferne

Proposal Internal refurbishment of 2 blocks of sheltered housing including construction of new external lift shaft

Item No. 03 **RcmDcn** GTD
Ref. No. DOV/00/00543 **Location** Universal Salvage Auction Centre, Ramsgate Road, Sandwich, Kent

Proposal Erection of processing area for low value vehicles.

Item No. 04 **RcmDcn** ALT
Ref. No. DOV/00/00588 **Location** Geoff Fisher Transport Limited, Sandwich Industrial Estate, Ramsgate Road, Sandwich, Kent

Proposal MOT testing centre.

Item No. 05 **RcmDcn** GTD
Ref. No. DOV/00/00653 **Location** NW part of RM North Barracks abutting Gladstone Rd and North Barrack Road, Walmer

Proposal Erection of 81 dwellings, and construction of associated roads, accesses and parking areas

Item No. 06 **RcmDcn** GTD
Ref. No. DOV/00/00774 **Location** Land adj Mike Beer Transport, Pike Rd Ind Estate, Pike Road, Eythorne

Proposal Outline application for industrial building (1352 m.sq.) within B1, B2, and B8 uses

Item No. 07 **RcmDcn** REF
Ref. No. DOV/00/00801 **Location** 224 London Road, Deal.

Proposal Erection of one projecting sign.

Committee Date: 02/11/2000

Item No. 08 RcmDcn GTD
Ref. No. DOV/00/00805 Location The Knoll, 16 Archers Court Road, Whitfield

Proposal Erection of two new dwellings with integral garages and new access to existing house

Item No. 09 RcmDcn ROB
Ref. No. DOV/00/00825 Location Royal Marines Rifle Range, Undercliffe Road, Kingsdown.

Proposal Demolition of Seawall.

Item No. 10 RcmDcn GTD
Ref. No. DOV/00/00851 Location Pines, St Margarets Road, St. Margaret's Bay.

Proposal Reinstatement of rooms in roof space and new entrance porch

Item No. 11 RcmDcn GTD
Ref. No. DOV/00/00869 Location 23 Blake Close, Walmer

Proposal Works to one Holly and one Sycamore tree.

Item No. 12 RcmDcn DEF
Ref. No. DOV/00/00878 Location Coastguard Cottages. Bay Hill, St. Margarets Bay.

Proposal Renewal of DOV/94/547 - The construction of a vehicular access and parking area for Steps cottage.

Item No. 13 RcmDcn GTD
Ref. No. DOV/00/00880 Location Land adjoining A2, Dover Road, Guston

Proposal Use of land as a village play area and construction of footway access

Item No. 14 RcmDcn REF
Ref. No. DOV/00/00892 Location 109 Station Road, Deal

Proposal Change of use of existing building to builders workshop/office and residential dwelling and alterations to existing vehicular access

Committee Date: 02/11/2000

Item No. 15 **RcmDcn** REF
Ref. No. DOV/00/00893 **Location** Bonners Paddock, Bonners Hill, Northbourne,

Proposal Site mobile home and change of use of existing shelter / hay store to grading and packing building for eggs in association with free range eggs business

Item No. 16 **RcmDcn** GTD
Ref. No. DOV/00/00896 **Location** Land adj Mike Beer Transport, Pike Rd Ind Estate, Pike Road, Eythorne, Dover

Proposal Erection of warehouse and office

Item No. 17 **RcmDcn** DEF
Ref. No. DOV/00/00905 **Location** 46 Eythorne Road, Shepherdswell.

Proposal Erection of conservatory extension.

Item No. 18 **RcmDcn** ALT
Ref. No. DOV/00/00924 **Location** Land between 25-31 Cattle Market, Sandwich

Proposal Erection of two dwellings (Existing buildings to be demolished).

Item No. 19 **RcmDcn** GTD
Ref. No. DOV/00/00929 **Location** Barn House, New Street, Sandwich

Proposal Removal of existing garage and erection of sectional garage and two storey extension to front of property.

Item No. 20 **RcmDcn** GTD
Ref. No. DOV/00/00930 **Location** 7A The Granville Hotel Road, St. Margaret's Bay

Proposal Alterations to dormer windows, including formation of balcony.

Item No. 21 **RcmDcn** GTD
Ref. No. DOV/00/00944 **Location** 85 High Street, Deal

Proposal Renewal of planning permission DOV/95/213 for change of use from shop to hot food take-away

Committee Date: 02/11/2000

Item No. 22 RcmDcn REF
Ref. No. DOV/00/00950 Location Durlock House, Durlock Road, Ash.

Proposal Erection of stable with livestock accommodation and garage / tractor shed.

Item No. 23 RcmDcn GTD
Ref. No. DOV/00/00969 Location Unit 1 Whitfield Court,, Honeywood Parkway, White Cliffs Business Park, Dover

Proposal Conversion of light industrial unit to childrens indoor play area.

Item No. 24 RcmDcn GTD
Ref. No. DOV/00/00979 Location 15 Bewsbury Crescent, Whitfield

Proposal First floor bathroom extension and ground floor kitchen and conservatory extensions.

Item No. 25 RcmDcn REF
Ref. No. DOV/00/00994 Location 59/61 Cross Road, Deal

Proposal Outline application for new house.

Item No. 26 RcmDcn GTD
Ref. No. DOV/00/01000 Location 49A Stonehall, Lydden

Proposal Erection of railings on top of decking at rear of house

Item No. 27 RcmDcn REF
Ref. No. DOV/00/01003 Location 55 Dover Road, Walmer

Proposal Insertion of dormers in side roof slopes

Item No. 28 RcmDcn GTD
Ref. No. DOV/00/01007 Location Part of Middle Street Car Park, Middle Street, Deal

Proposal Stationing of three temporary portable buildings for bank branch, with external ramp and steps

Committee Date: 02/11/2000

Item No. 29 RcmDcn GTD
Ref. No. DOV/00/01013 Location Land rear of 27 Sydney Road, Deal

Proposal Erection of 2 storey detached dwelling and construction of vehicular access

Item No. 30 RcmDcn GTD
Ref. No. DOV/00/01034 Location 24 Fulbert Road, Dover

Proposal Erection of garage and rear extension

Item No. 31 RcmDcn GTD
Ref. No. DOV/00/01069 Location 12 Market Street, Sandwich

Proposal Installation of satellite dish

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 54A of the Town and Country Planning Act 1990 requires that "Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise."
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:-
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 54A of the 1990 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

6. The Development Plan in Dover District is comprised of:-
 - Kent Structure Plan 1996
 - Dover and Western Parishes Local Plan 1993
 - Stour Valley Countryside Plan 1982
 - Kent Countryside Local Plan 1983
 - Kent Minerals Local Plan: Brickearth 1986
 - Kent Minerals Local Plan: Construction Aggregates 1993
 - Kent Minerals Local Plan: Chalk and Clay and Oil and Gas 1997
 - Kent Waste Local Plan 1997

Plans in Preparation

7. The Dover District Local Plan has reached modifications stage. Plans in the course of preparation, such as the Dover District Local Plan, are material considerations. The weight to be given to their policies depends on the stage which the Plan has reached and the nature of any objections or support. If no objections have been lodged against a policy in a deposited plan, or objections have been overcome by proposed modifications, considerable weight may be attached to those policies because of the strong possibility of them becoming adopted. Once adopted, the Dover District Local Plan will replace the Dover and Western Parishes Local Plan, Stour Valley Countryside Plan and Kent Countryside Local Plan.

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports on this agenda, careful attention has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account has also been taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

The process which has been followed with all formal applications has

- considered whether there is any interference in the Convention rights of any person affected by the recommended decision.
- identified which right or rights would suffer interference.
- Explicitly considered whether the recommended decision would violate those rights and reached a conclusion.

The reports set out a brief summary of the conclusions on these matters which are analysed in the appropriate file.

(PTS/PLAN/GEN) HUMANRI

DOVER DISTRICT
REPORT OF THE DIRECTOR OF PLANNING AND TECHNICAL SERVICES

PLANNING COMMITTEE – 2 NOVEMBER 2000

NON-DELEGATED APPLICATIONS

The Reports

The file reference number is identified, together with the Ordnance Survey map reference, under a) of each separate item. The relevant planning policies and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); commonly-used abbreviations are:

C.A.	-	County Archaeologist	F.O.N.D.	-	Friends of North Deal
C.P.R.E.	-	Council for the Protection Rural England	G.O.S.E.	-	Government Office for the South East
D. of E. D.	-	Director of Economic Development	H. & S.E.	-	Health and Safety Executive
D. of H. & H.	-	Director of Health and Housing	K.C.C.	-	Kent County Council
E.A.	-	Environment Agency	N.F.U.	-	National Farmers Union
E.H.	-	English Heritage	P.C.	-	Parish Council
E.N.	-	English Nature	P.R.	-	Public Representations
F.D.W.S.	-	Folkestone and Dover Water Services Limited	S.W.	-	Southern Water
			T.C.	-	Town Council

The details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Development Control Manager (telephone 01304 872461).

Site Visits

The Committee approved a Local Code of Practice in Planning Procedures on 8 April 1999. In respect of site visits it states that all requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:-

- the matter can only be safely determined after information has been acquired directly from inspecting this site;
- there is a need to further involve the public in the decision making process as a result of *substantial* local interest (*based on material planning considerations*) in the proposals;
- the comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy;
- the arguments for and against a proposal are very finely balanced.

Background Papers

List of background papers: unless otherwise stated, the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is the Departmental Administration Manager, Department of Planning and Technical Services, Council Offices, White Cliffs Business Park, Dover (Telephone: 01304 - 872404).

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Scale: 1/2500

Application: DOV/97/659
Deal

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1. a) DOV/97/0659 TR 3723 : 5302
- b) **Demolition of Nos. 73 and 75 Albert Road; construction of replacement vehicular access to Hutchings Timber, the Builder Centre and Court Marsh Farm and the sites of 73 and 75 Albert Road; and variation of conditions to allow for the retail sale of timber, DIY and gardening products at Hutchings Timber and land at 79 Albert Road - 73 and 75 Albert Road and land adjoining and including Hutchings Timber and 79 Albert Road, Deal.**
- c) Kent Structure Plan : Policies S1, S3, S4, EK3, ENV15, R1 and NR5.
Dover District Local Plan : Policies LE1, New LE policy (PM 53), DD1, SP7 and WE9.
- d) DOV/86/005 - Planning permission granted for the erection of a machine shop subject to a condition specifying that "no retail sales whatsoever shall take place on site".
- STD/88/8084 - Planning permission granted for the erection of a timber storage building, subject to a condition specifying that "no retail sales whatsoever shall take place on site".
- DOV/89/0804 - Planning permission refused for erection of a building for timber and DIY sales, on highways grounds relating to the unsuitability of the access and the further hazards that would be incurred by an increased use at the level crossing.
- DOV/93/0907 - Outline planning permission refused for retail food store with associated car parking, access and servicing arrangements, retention and improvement of Park Avenue Motors premises and improved access to Hutchings Timber Yard. Permission was refused on highways grounds and on the grounds that the proposal would not effectively satisfy the qualitative requirement for a major food store in Deal. An appeal lodged against the refusal was dismissed.
- DOV/94/0825 - Outline planning permission refused for discount food store (up to 1500 sq.m. gross) with associated car parking, access and serving arrangements to Park Avenue Motors premises and improved access to Hutchings Timber Yard. An appeal lodged against this refusal was dismissed.
- DOV/99/1192 - Planning permission granted for erection of canopy adjoining the main building at Hutchings Timber Yard.
- e) Highways Comments: (In 1997): The application has involved extensive discussions between the various interested parties and is offering a possible solution to the existing situation. No objection is raised subject to the applicants modifying the submission to fully satisfy the technical requirements of the DOHT/HMRI and Railtrack. It should be noted that the views of both consultees are based on the revised junction arrangements facilitating the existing and authorised use rather than a future use. Conditions and

appropriate legal agreements will be necessary to secure the improvements and may need to be time limited to achieve the desired effect.

(October 2000): In the light of recent objections made by the applicants to the form of the draft Section 106 Agreement further comments that approval of retailing of DIY and gardening products beyond the level which was apparent at the time of previous 1997 comments would not be acceptable on highways grounds. Access improvements have been designed to address the retailing situation that existed at that time and do not provide for retailing of a more intensive nature. If retailing is not reduced and scaled back to its 1997 level, then planning permission should be refused on grounds of detriment to road safety. Highways are seeking the views of Kent County Council and Railtrack on the matter.

T.C.: Objects. The new design is not sufficient of an improvement in site access. Furthermore, is not aware of any agreement between the applicant and Dover District Council as referred to in the applicant's letter.

D.O.H.T. (K.C.C.): No objections subject to the access achieving approval at Stage 1 Technical Appraisal and Safety Audit and being acceptable to Railtrack and HNRI. Further views awaited.

H.S.E. (H.M.R.I.): Satisfied with the concept of using inter-linked traffic lights to clear and assist the closing of Deal Station level crossing. However, actual positioning of the road junction, traffic lights and the level crossing road traffic lights will require further review in co-operation with the Highway Authority and Railtrack. Without prejudice to such detailed review, it appears necessary that all level crossing road traffic lights should be placed in proximity to the crossing barriers and that junction traffic lights should not be displayed close alongside illuminated traffic lights in the same field of view. The objective is to preserve the visual and legal integrity of the railway crossing protection in the event that a driver ignores junction lights and moves his vehicle towards the closing or closed barriers.

Railtrack: Concerned to ensure that any junction improvement meets its technical requirements; this involves integrating the railway road lights with road traffic lights. Further views awaited.

D.of H. and H. No comments.

C.A.: Recommends archaeological watching brief and informative.

f) The Site and the Proposal

There are three elements to the proposal for which planning permission is sought, as detailed at b) above. The purpose of the application is to regularise the unauthorised retailing of timber and DIY/gardening products from the premises of Hutchings Timber, which has been taking place since the early 1990's, involving considerable improvements to the vehicular access to the site to render such retailing activity acceptable in road safety terms. An extensive supporting statement prepared by the applicant's agent was appended to the report on this application which was presented to Planning Committee on 2 October 1997 (Item 9). This statement and others subsequently submitted by the agent are available from the case officer.

Background

When the application was received, there had been longstanding concern about the unauthorised retail activities taking place at the site. Committee are referred to Agenda Item 12 (1), relating to outstanding enforcement actions, considered on 7 September 2000.

This application was last considered by the Planning Committee on 2 October 1997 (item 9), at which time Members resolved that planning permission be granted subject to conditions delegated to the Director of Planning and Technical Services and also subject to :-

- (i) The satisfactory resolution of the technical and design specifications with regard to the integrated road and railway junction improvements;
- (ii) The prior completion of a legal agreement extinguishing the existing use rights for the applicant's former timber yard site at Cannon Street/Ark Lane to be used for a timber yard and retail sales; and
- (iii) The completion of any appropriate legal agreements which may be necessary to restrict the amount of the non-timber related retail sales area and to secure highways improvements.

Three years on, these outstanding matters have yet to be resolved and a planning permission has therefore yet to be issued. The prolonged negotiations with the applicant's agent have reached an impasse and there appears to be little prospect of matters being resolved in the immediate future. The application is therefore returned to Planning Committee for further consideration in the light of current circumstances with a revised recommendation from the Director of Planning and Technical Services.

New Considerations

Over the past three years, much officer time has been devoted to negotiations to secure highways improvements of the desired standard, in liaison with HSE and Railtrack and the drafting of a legal agreement in liaison with the applicant's agents and solicitors which is designed to secure :-

- The implementation of the required highways improvements;
- The rescinding of retailing rights on the site owned by the applicants at Cannon Street/Ark Lane; and
- The restriction of retailing at Hutchings Timber to a level which would be acceptable in terms of road safety.

The issue of the cessation of retailing rights at the Golf Road/Cannon Street site is straight-forward and is not being contested by the applicant. That section of the draft Section 106 Agreement is thus not subject to challenge at the present time. The delay in determining the application is due principally to the applicant's failure to provide adequate engineering drawings showing highways improvements to an acceptable standard. Indeed, an engineering drawing which was sufficiently technically proficient to provide a way forward in finalising highways improvements was not received by the District Council until 24 May 2000. Discussions with Railtrack and KCC using this drawing as

a basis continue, but have yet to be concluded. Furthermore, Railtrack has indicated that, due to the complexity and length of their procedures, it may be up to 2 years before they are able to approve any drawings relating to highways improvements. Until such approval has been issued by Railtrack in liaison with HSE and Kent County Council, the required Section 106 Agreement, which relates not only to the highways improvements but also to retailing issues, cannot be completed. This in turn means that the Council is not in a position to grant planning permission, and is unlikely to be able to do so in respect of this application for at least a further 2 years.

In the meantime, the retailing of timber, gardening and DIY products from Hutchings Timber Yard remains unauthorised and continues to intensify as the areas devoted to the display and sale of gardening and DIY products continues to expand. Three years ago, when the application was last considered by Planning Committee, DIY and gardening product retailing was limited to an area of approximately 330 sq.m. within the main building at Hutchings Timber Yard and approximately 313 sq.m. of outside storage area (which also included timber and timber products). The remainder of the building was devoted to the storage and retail of timber and timber products. Highways advice was received to the effect that the retailing of timber and timber products would generate far less traffic than would DIY and gardening products retailing. Therefore, it was considered appropriate by means of a Section 106 Agreement to restrict the area of floor space and outside storage which could be devoted to DIY and gardening products, and also to specifically define such products so as to exclude certain products which may generate a greater amount of customer traffic. A Section 106 Agreement was therefore drafted which restricted retailing on the basis of the situation as it existed in 1997, which was felt to be acceptable in road safety terms subject to the appropriate access improvements being secured. A schedule of products not to be retailed from the site was also included in the Agreement, comprising the following :- lights, light fittings, wallpaper, fitted bathrooms, fitted shelves, garden plants/seeds, furniture not manufactured on the land, plumbing goods, fitted kitchens, sanitary fittings, conservatories, gardening clothing, tiles, curtain rails, fire places, and building materials including (but not limited to) cement/artex/plaster board/guttering/roof insulation.

Although the draft Section 106 Agreement was sent to the agent several months ago, an objection has been received in recent weeks to the effect that the draft Agreement is felt to be too restrictive in terms of the manner in which it limits retailing on the site. In particular, objection is raised to the exclusion of certain types of DIY/gardening product, and to the area devoted to the retailing storage of such products, which is felt to be too small. The objection is in part due to the fact that, since 1997, the unauthorised retailing of gardening and DIY products from the site has expanded in both range and area. The area of floor space devoted to such retailing within the building has been considerably expanded, and a substantial amount of display of such products for retailing now takes place outside the building, beneath the canopy approved in 1999 (section c) refers). It is estimated that internal retail displays of DIY and gardening products now amounts to 814 sq. m, and that outside storage (still including timber and timber products) now amounts to 698 sq.m. The applicant has been asked to comment on these figures.

Clear advice has been received from Highways to the effect that retailing of an unrestricted range of gardening and DIY products and the endorsement of the current areas of such retailing would be unacceptable in road safety

terms. Retailing on this scale would simply generate too much traffic to be handled safely by any improved site access. The highways improvements which are currently the subject of discussion with KCC and Railtrack are felt, once finalised, to be adequate to handle the amount of traffic which would be generated by the retailing activity present on the site in 1997, but not to cater for the increased traffic which is generated by the unauthorised business at its current, present day level. The further views of KCC and Railtrack are presently being sought regarding the adequacy of the proposed highways improvements to cater for the present level of traffic, and it is hoped that these will be available to report to the Committee at the meeting.

There are further planning implications of retailing activity from this site. Retailing above a certain level would have an adverse impact upon businesses already established in Deal town centre and would thus be contrary to current planning policy. In October 1997, the view was taken that the areas devoted to DIY and gardening products retailing evident at that time, as long as the particular products listed above were excluded from such retailing, would not impact significantly upon retailing in the town centre and would thus be acceptable in policy terms. However, there is a likelihood that the increased level of retailing now evident at the site would impact adversely on the town centre and thus provide firm grounds for refusing planning permission. The Committee will recall that, following the Inspector's report into the Public Inquiry concerning the Local Plan, nearby land is now proposed for employment uses in the proposed modifications. The new policy anticipates that the access adjoining the level crossing would be closed and a new signal control junction provided.

Further advice is presently being sought on these policy issues, and again it is hoped that it will be possible to provide a further report to Planning Committee on this matter.

Conclusion

Although further policy advice is presently awaited, the Highways advice received in the light of the present level of activity at the site and the agent's objections is very clear. If retailing remains at this level and is not restricted in the manner originally envisaged through the exclusion of certain products and the limitation of DIY and gardening product display to 1997 levels, then the envisaged highways improvements will not be sufficient to cater for intensified traffic and the proposal must be refused on road safety grounds. In the meantime, unauthorised retailing activity continues at the site, with customer, staff and delivery traffic using the existing, extremely dangerous access/egress point. Indeed, there is little doubt that the egress from the site on to Albert Road, immediately adjacent to the level crossing, is one of the most dangerous in Deal and, as customer traffic continues to increase as retailing intensifies, the view must be taken that this constitutes an accident waiting to happen.

Although the retailing activity evident in October 1997 was unacceptable in road safety terms, officers refrained from recommending enforcement action to draw it to a close at that time as the current application had been received with a view to regularising the matter, and it was anticipated that planning permission could be granted and highways improvements implemented within a reasonable period of time. It is now clearly evident that this will not be so; the applicants are objecting to the restrictions that the District Council

proposes, and this will take some time to resolve. Furthermore, Railtrack has indicated that they may take up to 2 years to approve the highways improvements, and planning permission cannot be granted until such approval has been forthcoming.

It is very important to bear in mind that the unauthorised retailing activity, although initially on a smaller scale, has been taking place at Hutchings Timber Yard since the early 1990s. The District Council can take enforcement action against unauthorised activity of this kind only within a period of 10 years from its commencement and the end of that period is now fast approaching. Unless the District Council takes enforcement action through the serving of an enforcement notice or a breach of condition notice within that 10 year period, then the unauthorised retailing activity becomes immune from enforcement action and the District Council will have no way of restricting retailing or drawing it to a close, or of securing the essential improvements to the access. The Committee is therefore strongly advised to authorise enforcement action against unauthorised retailing at this point, so enabling officers to swiftly serve an appropriate notice on the applicant and thus maintain control over retailing activity and highways improvements.

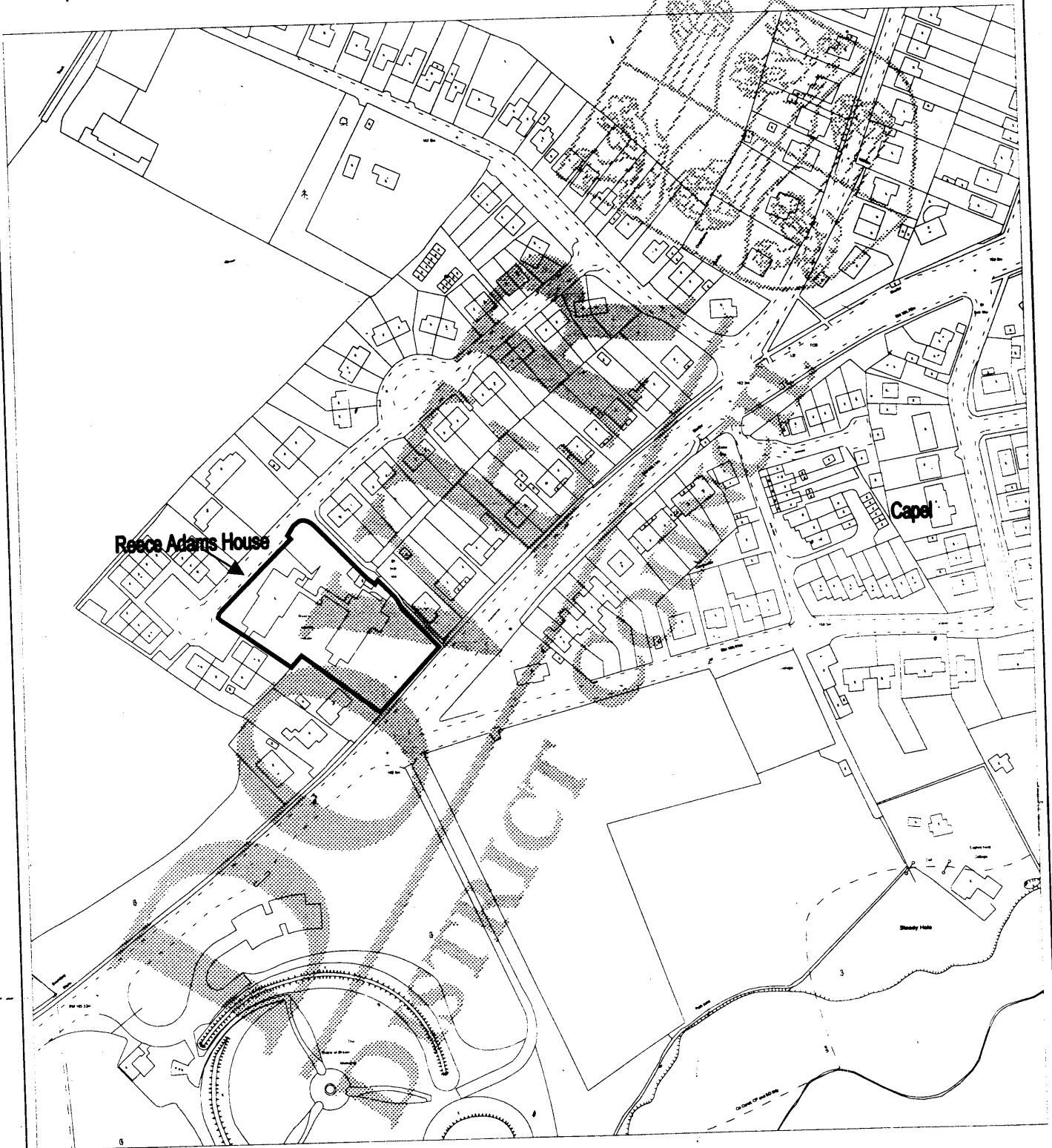
The Committee is further advised to authorise the Director of Planning and Technical Services to eventually grant planning permission in the event of all outstanding matters being satisfactorily resolved in liaison with Kent County Council, the Health and Safety Executive and Railtrack, but also, particularly in the light of the objections presently being lodged by the applicant, to refuse planning permission if these matters cannot be satisfactorily resolved. The recommendation is therefore in dual form, with an additional recommendation relating to enforcement action.

It is recognised that a refusal of the application and subsequent enforcement action would result in an interference with the rights of the applicant and prospective customers as protected by Article 1 of the First Protocol of the Human Rights Act 1998. The issues relating to the unauthorised use of this site as identified above are important material planning considerations and, were the proposal to remain in its submitted form, would not be capable of being overcome through a grant of planning permission or an associated legal agreement. The second of the alternative recommendations and the enforcement recommendation reflect this. However, were the application to be satisfactorily amended, such as to overcome the identified issues, it is considered the planning permission could be granted, subject to conditions and a legal agreement, without undue interference with the rights of either the applicant or third parties as protected by Article 8 of the First Protocol of the Human Rights Act 1998. The recommendations are made in the public interest.

- I SUBJECT TO receipt of further policy advice and the receipt and approval of satisfactory highways improvements plans and the prior completion of a Section 106 Agreement securing the cessation of retailing at the applicant's Cannon Street/Golf Road site, necessary highways improvements, and restricting the areas and types of DIY and gardening products retailing at Hutchings Timber Yard, the Director of Planning and Technical Services be authorised to GRANT PLANNING PERMISSION, SUBJECT TO conditions to be delegated to the Director.

- II Otherwise, the Director of Planning and Technical Services be authorised to REFUSE PLANNING PERMISSION on the following ground :- (i) In the opinion of the Local Planning Authority, the amount of traffic likely to be generated by the level and intensity of retailing activity for which planning permission is sought could not be catered for safely by the vehicular access/egress to and from Albert Road, whether in an existing or improved form. The proposal would therefore be detrimental to road safety and constitute a danger to the public; (ii) Any policy grounds for refusal appropriate following the receipt of policy advice relating to the effects of retailing activity on Deal town centre.
- III Enforcement action BE AUTHORISED to secure the cessation of all forms of retailing activity at Hutchings Timber Yard.
- IV I131.

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Application: DOV/98/732
Capel-Le-Ferne

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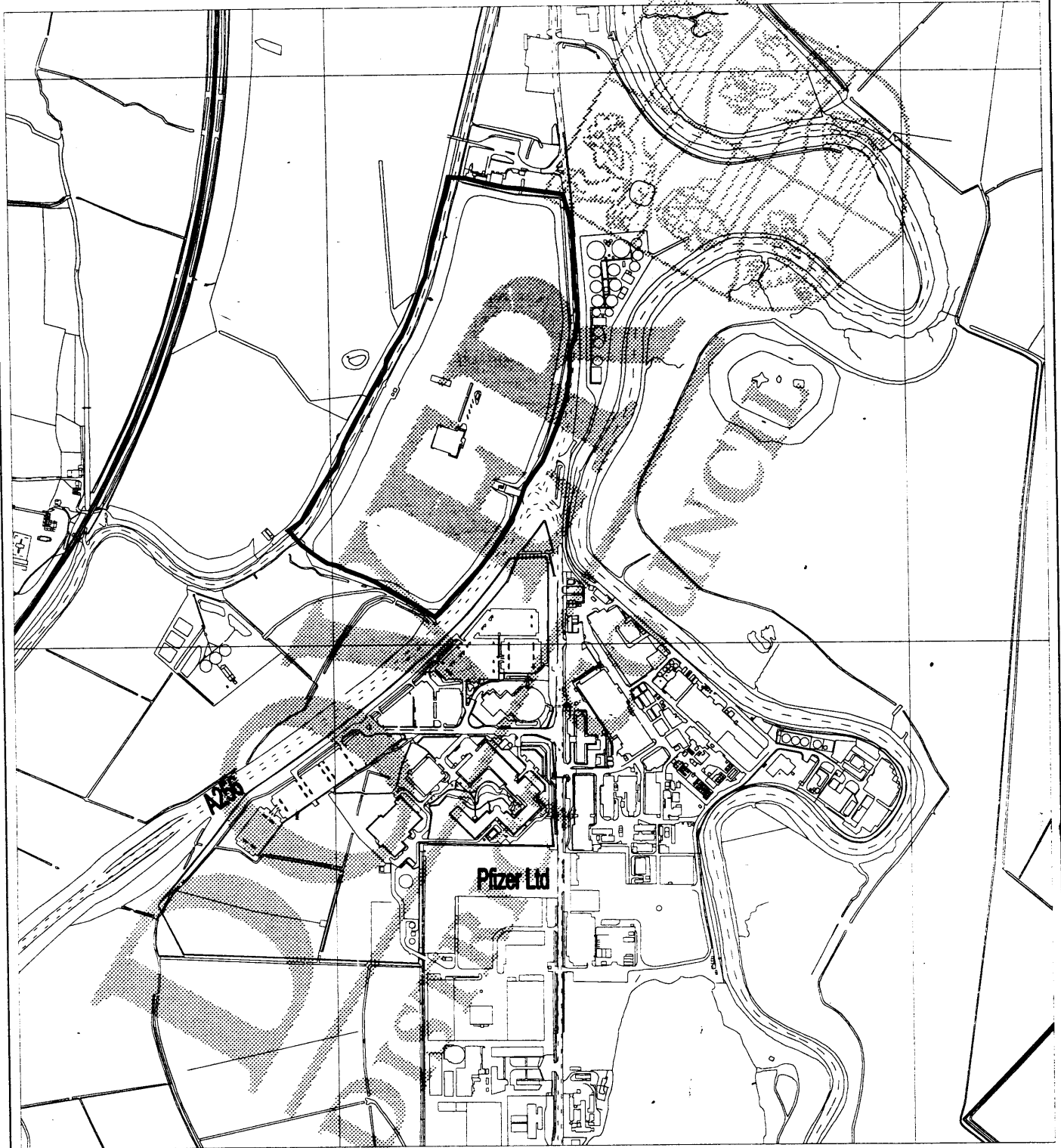
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N

2. a) DOV/98/0732 TR 243 : 382
- b) **Internal refurbishments of two blocks of sheltered housing including construction of new external lift shaft, Rees Adams House, Cauldham Close, Capel-le-Ferne.**
- c) Dover and Western Parishes Local Plan Policy DC1
Dover District Local Plan Policy DD1
- d) CH/6/72/0188 - Erection of warden-assisted old peoples accommodation - outline approval.
- CH/6/73/0392 - Erection of 10 houses, 4 bungalows, wardens' flats and warden-assisted flatlets - Approved.
- e) P.C.: No views received.
- f) The application has been submitted by the Director of Health and Housing on behalf of the Health and Housing Committee.
- The work comprises mostly internal alterations. The main external changes arise from the installation of a new lift shaft. This entails changes to the fenestrational detail of part of the building and a slight increase in height by 1.1m to part of the roof. No objections are raised.
- It is not considered that the application has any Human Rights Act implications.
- g) I PERMISSION BE GIVEN Subject to (i) DPO4V.

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Scale: 1/10,000

Application: DOV/00/543
Sandwich

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3. a) DOV/00/0543 TR 3294 : 6006
- b) **Erection of processing area for low value vehicles, Universal Salvage Auction Centre, Ramsgate Road, Sandwich**
- c) Kent Structure Plan Policies S1, S2, S3, ENV20 and RS1
Dover District Local Plan Policies LE21, LE22, WE1, ER8, DD1, DD12 and AS19
- d) DOV/90/0367 - Extension of existing car park including fencing and floodlighting of 13 acres to the south of existing premises - Refused planning permission.
- DOV/96/0705 - Certificate of Lawful Development for storage and distribution of motor vehicles with office facilities - Granted.
- DOV/96/0851 - Storage and auction of motor vehicles with office facilities - Granted planning permission.
- e) Highways Comments: No objections.

D.of H. and H.: No objections subject to conditions.

E.A.: No objections to the proposal; however the applicant will be required to apply for a waste management licence. Comments on possible flood risk.

T.C.: Recommends refusal on the grounds that the development would be visually intrusive, particularly from Richborough Castle, it would be contrary to developments to improve the Sandwich corridor and it would contravene the original planning conditions.

P.R.: One letter of support has been received stating that the proposal is an excellent idea as the recycling of steel is an obvious benefit to the environment on a global basis. The location of such plant needs to be on an industrial area and it is sensible that this be zoned close to other industrial sites. The writer states that he has no connection with the developer but is concerned for the overall benefit of the countryside and the total environment.

A second letter, on behalf of a local firm, makes the following points:-

- It is acknowledged that economic development and recycling activities are encouraged, but these are tempered by the need to protect the environment and the visual improvement of the A256 corridor;
- It is accepted that there would be no effect on highway safety in view of reduced vehicle movements;
- There is concern about lack of screening and the likely unsatisfactory effect of the proposal in visual and noise terms and the consequent harm to the character and appearance of the area;
- However, screen bunding would help and this would help reduce concerns;

- Nevertheless, development would intensify activity and structures, and landscaping should be provided consistent with policy, the approach on other sites and the Canterbury Triangle Vision Statement;
- Safeguarding conditions are sought relating to the provision of the bund, noise levels, the height of equipment and materials and the location of stored parts. In addition, it is suggested that the compound could provide an opportunity to seek an agreement to restrict the storage of more damaged vehicles in a position behind the compound where they would be least visible;
- Subject to certain safeguarding conditions and clarification of the precise location of the compound in relation to the main building, together with screening to hide activities from view, objections are not raised to the proposal.

f) The Site and The Proposal

The Universal Salvage site is located to the east of Richborough Castle, between the River Stour and the A256. The site is used, and has permission for, the storage and auction of motor vehicles. The vehicles stored on the site are all accident-damaged - these have different categorisations and the vehicle's outcome is determined by its categorisation. Appendix (A) to this report sets out the categorisation process.

The application seeks planning permission for a processing area for the Category A vehicles. This entails creating a bunded area of 1,000 sq.m. within which there would be a vehicle flattener/crusher, a wheel crusher, areas set aside for storage of the flattened vehicles, tyre skips, oil bund store, battery and engine parts stores. The area is located within the centre of this extensive site to the north west of the large office and garage building. There is currently an unused smaller steel framed building at the location where the area is to be sited.

The applicant has submitted that the company is the U.K.'s largest service provider to the Insurance industry; they have seven storage sites which handle on average 150,000 accident-damaged vehicles a year. At the Sandwich site the company handles on average 600/700 low value vehicles each month. Currently these vehicles, categorised by the Environment Agency as waste, are transported to local scrap-yards. However, a number of vehicle dismantling and scrap-yards has closed and the applicants feel that a better option than transporting these waste vehicles to other operators or even to one of their own sites would be to process these vehicles at the Sandwich site. The company has applied to the Environment Agency for a Waste Management Licence.

The processing site would handle around 150/200 vehicles a week. The vehicles would have all the fluids removed along with batteries and rubber tyres as these items are considered to be special waste by the Environment Agency. The remains of the vehicles would be crushed and delivered to metal shredder operators for reprocessing. The applicants submit that the construction of the processing area, plus introduction of oil interceptors, to the requirements of the Environment Agency means that there would be no risk

of contamination to the local environment. It is proposed that the processing area will only work the same hours as the storage/auction site. In addition, the new venture will require the company to employ additional staff (five) and will also reduce the number of transporter movements from the site, a reduction of about 25-33 transporter journeys per week.

The applicants refer to the possibility of offering the facility to others, including local authorities and other firms.

Policy Context

Kent Structure Plan Policy S1 seeks to provide for a sustainable form of development. Policies S2 and ENV20 are concerned with the quality of Kent's environment and specify that measures (to include minimising pollution) should be taken to mitigate any adverse impact arising from the development. Local Plan Policy WE1 requires that the groundwater zone is protected from pollution.

Structure Plan Policy S3 seeks development that would stimulate economic activity; this intention is also set out in the Local Plan at Policies LE21 and LE22, allowing new buildings within Use Classes B1/B2/B8 and the on-site expansion of existing businesses in rural areas. Land adjoining Sandwich is specifically mentioned as an acceptable location. The design criteria for new development are set out in the Local Plan at Policies DD1 and DD12, the latter specifically in relation to commercial development. Structure Plan Policy RS1 states that development in the rural area should be appropriate in location, appearance in terms of its surroundings and highways terms.

The Local Plan has an area-specific Policy (AS19) for Ramsgate Road to improve the approach to Sandwich. Class B1/B2/B8 uses are permitted provided that development provides for visual upgrading of the A256, buildings are low rise, archaeological and contamination evaluations are undertaken where necessary and that the development does not increase flooding.

In addition, Local Plan Policy ER8 relates to the provision of recycling areas and sets out the criteria to be met for such schemes. The policy is primarily for the private sector where can/bottle banks are provided; however, the criteria are, in the main, relevant to this application for a processing site that is to dismantle parts of vehicles for reprocessing/recycling.

Assessment

The principal planning considerations with regard to this application are:

- whether the proposal is acceptable in planning policy terms; and
- whether the proposal is acceptable in terms of its impact on the countryside and neighbouring amenities.

The proposal is for the on-site expansion of the business due to changes in legislation governing the registering of all scrap-yards. The proposal benefits the company by reducing significantly the number of transporter journeys. This is consistent with sustainable development. The proposal should also

stimulate economic activity by providing a further five full-time jobs. The existing work force is 62.

The scale and setting of the processing area is small in terms of the size of the overall site and is located some distance from the A256. The site has to receive a Waste Management Licence from the Environment Agency before it can operate. The Environment Agency has no objections to the proposal in terms of its effect on groundwater.

The processing area is intended to be an open area with the two crushers, numerous skips and areas for burned out wrecks set out within allocated areas inside a bunded area. However, potentially, this would not only be contrary to Policy AS19 which seeks to improve the Sandwich A256 corridor but would also allow noise to travel. The Director of Health and Housing suggests that the area be required to have noise barriers to a height of 1.0m above the height of the crusher. This would surround the compound with a 3.4m barrier which would obscure the processing area including the crushers and flattened vehicles. In design terms this would be an acceptable solution to what would otherwise be an unsightly area due to the processes required. Given that the business is contracted to take all insurance "write-offs" the site receives all types of vehicle, including total wrecks. The provision of an on-site facility allows for these wrecks to be sited near the compound and dealt with more quickly by the Company. The applicants have stated that they are willing to accept a noise barrier around the proposed processing area and that flattened vehicles only will be stacked within the compound to a maximum height of 2.0m. A 'no stacking' condition applies to the site as a result of the 1996 approval.

Policy ER8 applies if recycling facilities require planning permission. The policy criteria are designed to ensure that the development satisfactorily addresses:-

- (i) convenience to the public;
- (ii) visual amenity;
- (iii) impact on local residents due to noise and other disturbance;
- (iv) traffic and highway safety; and
- (v) the ability of collection vehicles to operate effectively.

The processing area will obviously not be for public use although the Committee will note the applicants' reference to widening its availability. However, the other four criteria are planning considerations. The barrier proposed around the processing area would shield the compound and provide a visual barrier around the processing area as well as a mechanism for reducing noise. One of the main benefits of the scheme would be to reduce the number of transporter movements. There are no problems associated with the internal operation of working vehicles.

On this basis the scheme can only be recommended for approval. Consideration is being given to the comments of the TC concerning Richborough Castle.

It is recognised that the granting of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under this Act. It is considered that the concerns identified in this report and which are important material planning considerations can be satisfied by the granting of planning permission subject to conditions, and that such a decision would be in the public interest.

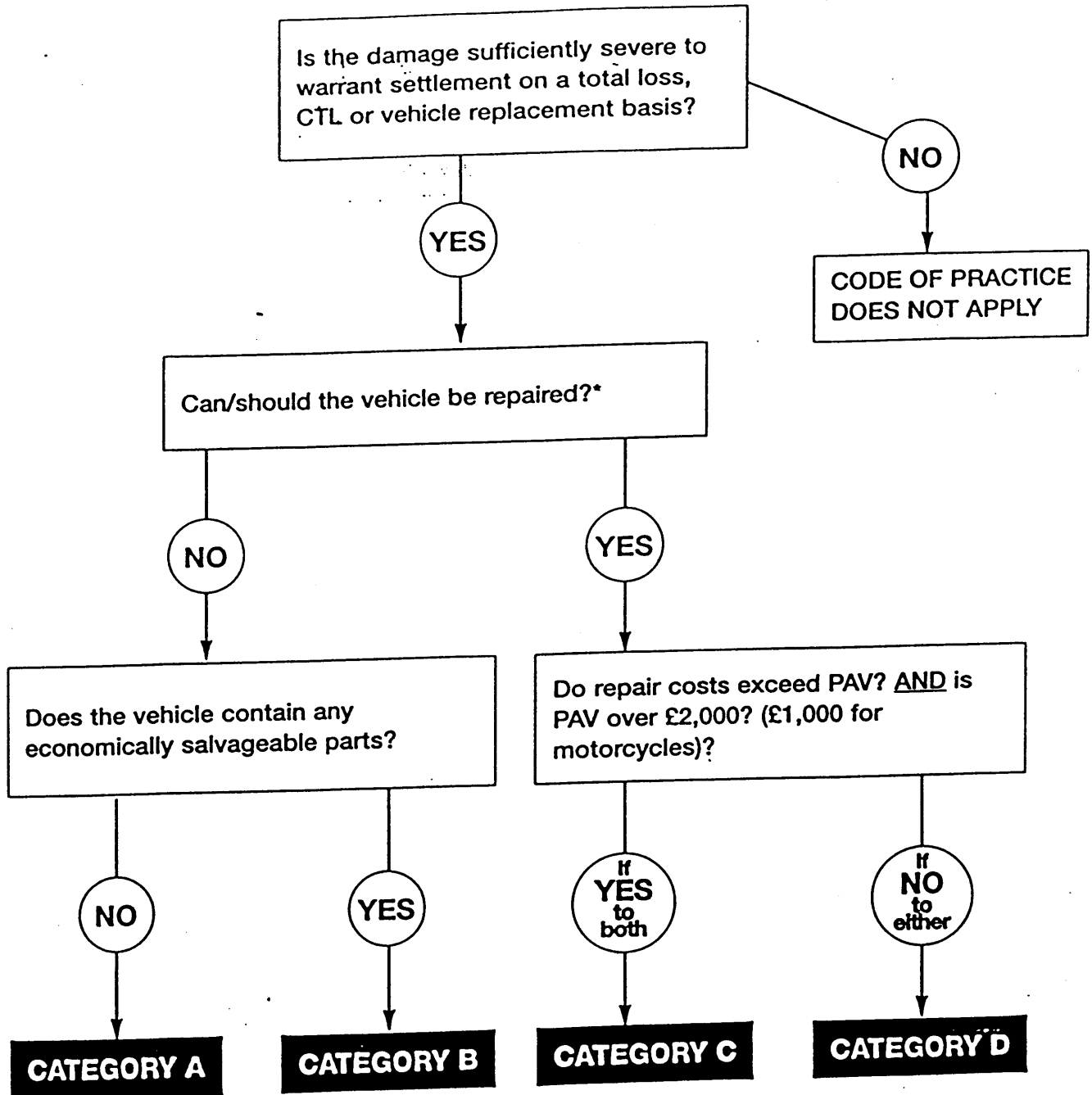
- g) I SUBJECT TO the receipt of satisfactorily revised plans and satisfactory resolution of all matters PERMISSION BE GIVEN Subject to :- (i) DP01; (ii) DP04; (iii) MA04V; (iv) Conditions as recommended by D. of H. and H.; (v) Any other conditions to be delegated to the Director of Planning and Technical Services.

II I07, I13I.

III The applicant be informed that the site is located within a flood risk area.

FLOW CHART FOR CATEGORISING VEHICLES UNDER CODE

APPENDIX (A)



E.g. • Total burn outs

• Heavy damage, chassis bent.

• Cars which can/should be repaired.

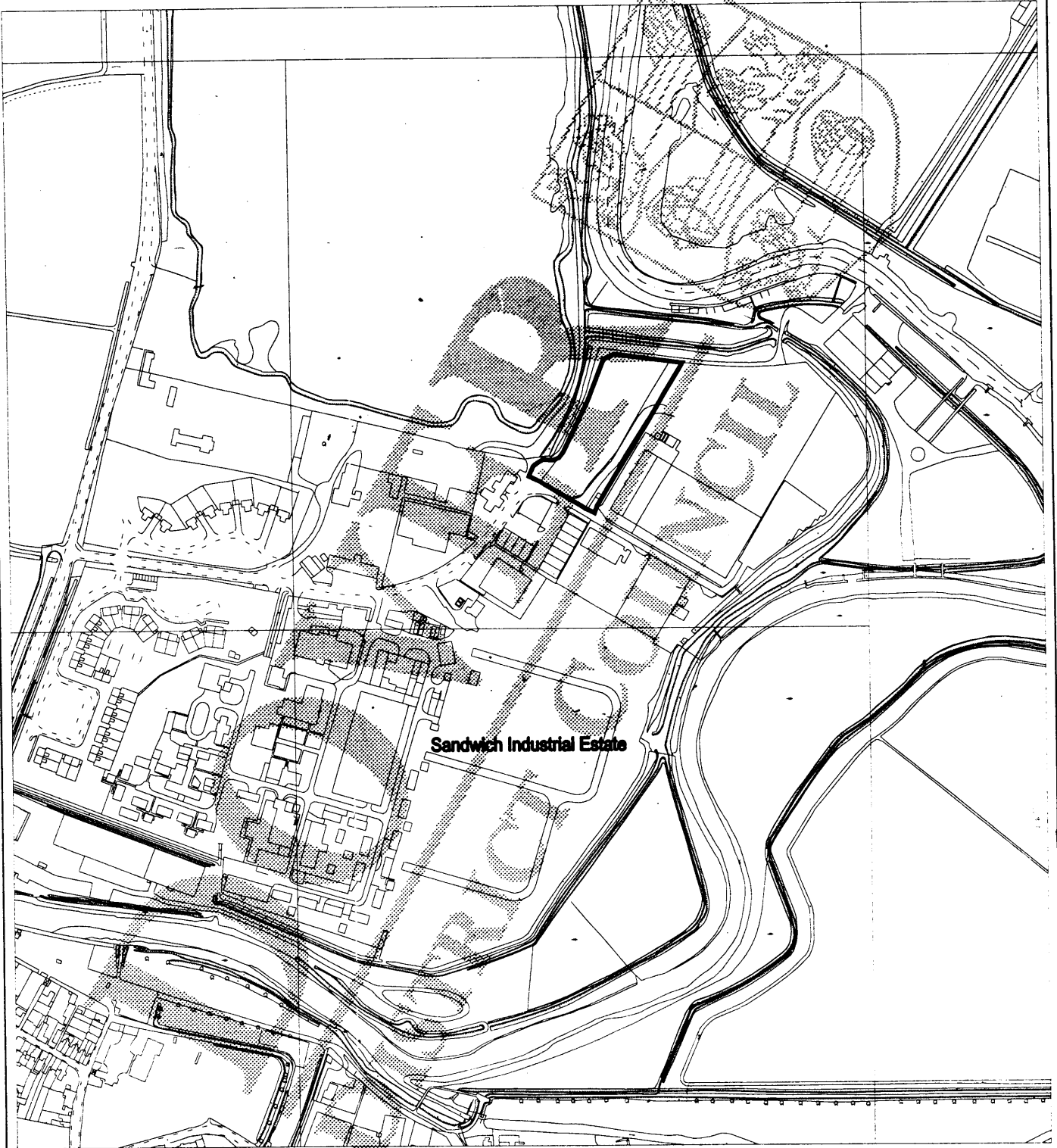
• Vehicles replaced under "new for old" schemes (say, 60% damage) which would not otherwise have been treated as total losses.

• Vehicles which could be repaired by insurer but written off to minimise hire charges.

• Constructive write-offs.

* Thatcham, Engineers Technical Sub - Committee is preparing guidance notes on categorisation.

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Scale: 1/5000

Application: DOV/00/588
Sandwich

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4. a) DOV/00/0588 TR 337 : 586
- b) **MOT testing centre, Geoff Fisher Transport Limited, Sandwich Industrial Estate, Ramsgate Road, Sandwich.**
- c) Kent Structure Plan : Policies ED4, RS1 and RS4.
Dover District Local Plan : Policies DD1, TR7, AS20 and LE22.
- d) DOV/98/0730 - Erection of building for use as a vehicle workshop and furniture depository for transport/removals business and construction of associated parking/manoeuvring facilities and vehicular access - Planning Permission Granted.
- e) Highways comments: There may be a conflict in the parking requirements for this proposal and that previously approved.

D. of H. and H.: No objections.

C.A.: No archaeological measures necessary.

E.A.: No objection subject to a condition and informatives.

T.C.: No objections.

P.R.: One letter of strong objection received on the basis of the competition arising from the other six MOT testing stations in the area; there is no need for a seventh testing station. Reference is made to the objector committing himself to the financial outlay of moving premises in anticipation of redevelopment of his existing premises, the enhanced service he hopes to provide and the number of staff he employs. The development could mean bankruptcy and loss of jobs.

f) The Site and the Proposal

The application site lies within Sandwich Industrial Estate and is a site given permission in 1998 for a vehicle workshop and furniture depository. The proposal involves the use of a bay within the existing building and use of some of the parking spaces previously provided for the MOT testing centre.

The applicant has advised that two additional full time staff will be employed, and that there will be an increase of ten cars, six light goods vehicles and ten heavy goods vehicles per day visiting the site. Six parking spaces are being provided.

Policy Context

The policies applicable to this case are identified at c) above.

Policy ED4 of the Structure Plan states that sites to meet the specific needs of small firms in Kent will be provided through the use of parts of larger industrial estates and at appropriate rural settlements. Policy RS4 permits small scale business development in and adjoining the built-up area of small rural towns where it is appropriate to the scale of the settlement and without detriment to the amenity and character of the settlement or its setting. Policy RS1 of the Structure Plan and Policy DD1 of the emerging Local Plan set out criteria against which new development should be assessed. Policy LE22 of the Local Plan, as proposed for Modification, permits the onsite expansion of existing businesses in rural areas within existing site curtilages. Policy AS20 of the Local Plan sets out the considerations to be applied in considering development at Sandwich Industrial Estate, which is allocated for a mixed use redevelopment, including B1/B2/B8 employment uses and which states, inter alia, that permission will be granted only if a master plan has been submitted and agreed for the whole of the site. Policy TR7 of the Local Plan is concerned with ensuring that sufficient parking is provided in association with new developments.

Assessment

The principal planning considerations in this case are whether the proposal is appropriate in policy terms and acceptable in highway respects.

The scheme is associated with an existing business and is in an appropriate location such that it accords with the principles set out in the policies referred to above. Notwithstanding that a waste plan has not been agreed pursuant to Policy AS20, it is not considered that this comparatively small scale development with an existing modern building would prejudice the preparation or implementation of longer term proposals for the industrial estate.

However, the application, is lacking in detail in parking terms and this is potential conflict between the approved use and the proposed; the proposed potentially conflicts, therefore, with Local Plan Policy TR7. This matter has been raised with the applicant and it is hoped that further information can be imparted at your meeting.

The objection raised by an existing motor trader is a matter of competition and cannot be considered in determining the planning application. However, it is recognised that the granting of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under the same Articles. Subject to resolution of the outstanding matters and subject to conditions, it is considered that permission may be granted in the wider public interest. Pending resolution, the recommendation is in dual form.

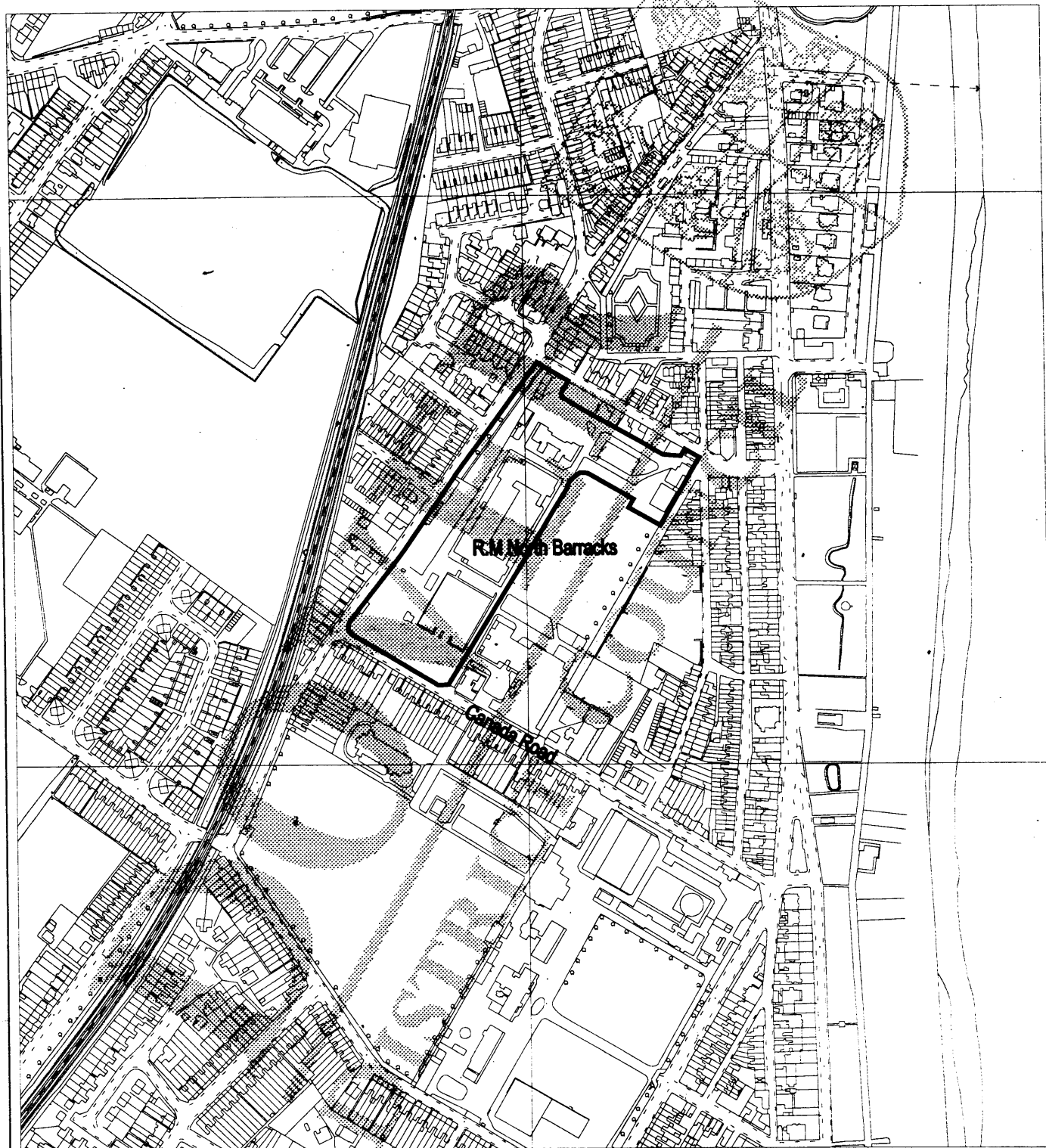
- g) I SUBJECT to the satisfactory resolution of the outstanding parking details PERMISSION BE GIVEN SUBJECT to conditions to be delegated to the Director of Planning and Technical Services.
- II In the absence of satisfactory details PERMISSION BE REFUSED on the ground :- (i) In view of the lack of adequate information to demonstrate the adequacy of parking facilities for the proposed and existing uses, it is the opinion of the Local Planning Authority that the development would be likely to result in increased hazards to road users and encourage parking on the

narrow estate roads to the detriment of road users; it would also fail to satisfy the provisions of Policy TR7 of the Dover Local Plan.

III The applicant BE ADVISED of the views of the E.A.

IV 107, 113l.

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Scale: 1/5000

Application: DOV/00/653
Walmer

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5. a) DOV/00/0653 TR 3734 : 5156

- b) **Erection of 81 dwellings, construction of associated roads, accesses and parking areas - north-west part of former RMSM North Barracks, North Barrack Road/Canada Road, Walmer.**

In reading this report, it is suggested that Members of the Committee refer to the plan appended at the end of the report, on which all Building Numbers quoted in the text are indicated.

- c) Kent Structure Plan : Policies S9, ENV15, ENV16, ENV17, ENV19, T12, T17, H3 and H4.

Dover District Local Plan : Policies TR1, TR7, DD1, DD4, HE1, HE2, HE3, HE5, HS2, HS6, CF3, OS2, AS5 and AS6.

PPG3

Kent Design

- d) DOV/98/0793 - Outline planning permission granted for the erection of 87 residential dwellings, the erection of buildings for Class B1 office use and Class B2 general industrial use and construction of associated vehicular and pedestrian accesses and parking/manoeuvring areas (17 February 2000). This permission relates to the current application site together with an adjoining area of land which occupies the central/eastern section of the North Barracks complex. Details of means of access, road layout and the siting of dwellings were approved under this permission; however, Class B1 office use and Class B2 general industrial use was approved only in principle on that sector of the site which falls outside the current application site, although an illustrative layout for this area accompanied the planning application. No submissions of detail have been made pursuant to this permission to date.

- DOV/98/0794 - Full planning permission granted for the conversion of two existing buildings to create nine Class B1 business units together with general offices and reception areas and construction of associated access and vehicle parking/manoeuvring areas and a local residents car park (16 February 1999). This permission does not relate to the current application site, but the south-eastern section of the North Barracks complex, encompassing Buildings 42, 43 and 48, abutting Canada Road. The permission has yet to be implemented.

- DOV/00/0657 - Application for conversion of Building 64 to single dwelling - Withdrawn. This proposal relates to a building within the current application site and was considered at the Planning Committee meeting of 7 September 2000.
- DOV/00/716 - Full planning permission granted for erection of dwelling on land adjacent to 5 North Barracks. This proposal relates to land outside but adjacent to the current application site, and was considered at the Planning Committee of 7 September 2000.

- e) Highways Comments (in response to original submission): The road layout seems to generally reflect the previously approved layout, albeit that one or two minor changes may be evident. Some aspects of parking provision, position of access points, sizes of garages, parking spaces and provision of shared driveways give rise to concerns. A major issue is a lack of direct reference to the previously agreed highway improvement works other than the briefest of notes.

Highways Comments: (in response to original submission):

The first set of amended plans left Highways concerns unaddressed. The second set resolve a number of minor issues such as parking spaces and access points. Further views on the most recent amendments will be reported at the meeting.

E.A.: No objection subject to the attachment of standard conditions and informatives, including provision for investigation of contamination, surface water drainage safeguards and provisions for the storage of oils, fuels or chemicals.

K.C.C. Archaeology: The North Barracks have now been the subject of two phases of archaeological evaluation. The first phase covered the central parade ground and identified significant archaeological deposits over much of that area. The central parade ground falls outside the present application area, therefore these requirements are not detailed here. The second phase of evaluation involved the excavation of a number of trial trenches mainly in the south-western corner of the site but also in the area immediately east of the central barrack block. Here work identified the foundation remains of former military buildings over much of the area including the military hospital buildings of 1795; an infilled brick earth quarry pit, probably of early 19th Century date, was identified at the southern area of the site; and in two trenches a number of probable prehistoric features comparable with those found on the parade ground were identified. The wind-blown sand identified in the first phase of the trial work at North Barracks extended only partially westward into this area of the site.

With regard to archaeology on this particular area of the site a number of issues are raised:-

- The proposed development fronting Canada Road would fall within the area of the former quarry pit and is unlikely to require archaeological works other than casual observation;
- The housing east of the proposed north-south estate road and east of the old burial ground falls in an area much affected by military foundations and archaeology and this area can be handled through an archaeological watching brief;
- Two areas may require further evaluations to test if significant areas of archaeology remain relatively undisturbed within the area of proposed development. These two areas include the strip of houses (15 in number) to the south of the old burial ground and west of the proposed estate road and the area of development in the north-east of the site which includes the former position of the drill shed and open space. Once tested, further measures may be required;
- In the light of findings on the East Barracks site there is a need to test whether the present boundaries of the old burial ground do in fact limit that burial activity.

It is suggested that conditions be attached requiring the implementation of a programme of archaeological work and the implementation of a programme of building recording.

Kent Archaeological Rescue Unit: There is a good prospect that the area may contain important archaeological potential and it is felt that it would be sensible to require a prior evaluation/excavation across this site.

E.H. (In response to original submission): The submitted drawing shows a most unimaginative suburban layout which does not relate to any of the development that surrounds the site. Equally unimaginative is the neo-Georgian pastiche design which, it would appear, seeks to create a new 'quarter' in Walmer bearing no relationship to any existing development in the town. At the northern end of the site the relationship of a new development to the sequence of existing listed late Georgian villas is most unconvincing and makes a mockery of the genuine listed buildings which front North Barrack Road. The proposal also relates very badly to Gladstone Road and to Canada Road, and it is difficult to see how it has evolved from any serious consideration of the context or the history of the site.

D. of H. and H. (Environmental Health): Given that the residential development is to abut an area outside the application site which includes B2 Uses, noise is an issue. Boundary treatment such as acoustic barriers could be provided to protect the residential units adjacent to the use. However, to protect first floor windows the barrier would need to be quite large. Given the physics of sound propagation the benefit that such treatment would provide would be limited by the geometry of the site. It would be possible to reorganise the layout of the residential premises to the north of the site and provide up-rated sound insulation. It is presumed that there is no such mechanism that would be available for the existing residential properties. Such a system could involve Block C and D running parallel to the boundary with habitable rooms only having fenestration on the north elevation away from the B2 Use. Fenestration facing the unit could be acoustically

secondary glazed with mechanical ventilation. It is further suggested that a 2m high acoustic barrier be constructed alongside the area specified for B1 Use. Details of the position and specifications for this barrier should be submitted to and approved by the Local Planning Authority. (Many of the Director of Health and Housing's comments are directed towards the employment element of the North Barracks redevelopment which, whilst shown on the plans for the current application, are not covered by it).

P.C.: (In response to original submission):

- The Parish Council wishes to express its strong concerns about the provision of only one access roadway into the site and its feeling that this access into Canada Road is insufficient to cater for the numbers of cars likely to be on the new development;
- The proposal to build only 3 and 4 bedroom houses within the site does not provide an appropriate mix of accommodation within the site. These houses are likely to attract families with young children and there is currently not the existing infrastructure i.e. schools, recreational facilities to cater for an influx of young people;
- The view of the emergency services should be sought regarding the proposed emergency access point at North Barrack Road;
- Once again the Parish Council feels that the access road for the officers' houses should be properly incorporated into the site and adequate parking, footways and turning points provided for the residents.

P.C.: (In response to revised submission):

The Parish Council reiterates all the points previously made, with the addition of the following comment:-

- The Council is also aware that recently the Highway Unit has expressed concern about the possible use of the entrance gate opposite (next to the Church) into the Drill Field site and it appears therefore to be aware of potential problems which may be caused at the single access point to the development now proposed.

P.R.: Six letters of objection received in response to the original submission, one of which has four signatories, which raise the following points:-

- There is only one vehicular access to the residential development which exits into Canada Road;
- The proposal would cause an increase in traffic, resulting in restricted or even no parking in Canada Road, so requiring residents to park their cars some distance away from their houses;
- The already dangerous junction of Canada Road with Dover Road would become an accident black spot;

- It is understood that in a previous planning application it was recommended that a second access should be made into the development from North Barrack Road to relieve the amount of traffic using Canada Road;
- The provision of adequate school places in local schools is a concern, as it is understood that the Parochial School will be closing down its site in London Road and a proposed new school opened;
- Problems associated with the development covered by this application will only be compounded by further development not covered by the application;
- The lack of proposed vehicular access to the site, due to the density and layout, will prove to be unsafe for emergency vehicle access and refuse collection at the north end of the site;
- The effect that the development would have on Canada Road is totally unacceptable, taking into consideration the South Barracks development. This cannot be sustainable development and must be corrected before it is too late;
- Insufficient consideration has been given to the existing listed buildings on the site;
- Kent Design states that all accesses serving more than five dwellings should be laid out to adoption standards and must be offered for adoption by the Highway Authority. On this plan there are seven dwellings that appear not to be served by an adopted road. Taking into consideration the four new buildings proposed in front of the listed buildings facing onto that same road, eleven dwellings would be so served;
- No provision has been made for parking in front of the existing dwellings;
- No vehicle turning has been provided within the roadway in front of the existing dwellings;
- No provision for footpaths has been made in front of the existing dwellings. The plan shows the residential site encroaching as to what was part of Phase 3 of the industrial development;
- The house designs do not seem to take into consideration much affordable housing;
- The four houses planned in front of the listed buildings do not take into consideration any privacy in their gardens and would not be sympathetic to the listed buildings;
- Traffic passing close to the dry moat at 66 North Barracks would create problems unless a footway is provided to ensure that vehicles pass further away from the property;

- All traffic from the site is directed away from the town and there would be an unnecessary use of cars to get to the town. This is environmentally unfriendly;
- The proposals allow no space for turning. There is a need to consider rubbish collection, delivery, service and house removal vans that need to have access to the proposed dwelling at Building 64. If it is proposed that they reverse the full length of the road in front of this building, then it must be considered that there is no lighting or pavement and that all four front doors of those buildings open directly onto the road;
- The road space appears significantly smaller than those enjoyed by the occupants of the listed buildings at present and not in keeping with the size of the properties. There is concern that vehicles belonging to some of those properties will have to reverse in front of the gates of neighbouring properties, so endangering children.

Seven letters have been received in response to the revised submission. These reiterate points previously raised, but also make the following points:-

- Confirmation that the emergency services accept the proposed emergency access is not reported;
- The wall adjacent to Gladstone Road should be taken down to facilitate vehicular access; there are no valid reasons why it should be kept;
- It would be possible to put a footpath along both sides of Gladstone Road, contrary to current Highways advice;
- There is concern regarding contamination, in the light of what has been uncovered so far on the South Barracks site;
- Contrary to officer statements, the site does not seem to be receiving any special treatment despite its special nature;
- The amended plan reducing the number of houses opposite the listed buildings is an outright move to negate Kent Design, by reducing the likelihood of the road in front of the listed buildings being upgraded to adoptable standard;
- Councillors are asked to revisit the whole Barracks development to assess its impact;
- The amended plans place a protected Sycamore (TPO2) under threat;
- Plot 78 intrudes into the area allocated for employment use;
- Off road parking for Plots 58 - 61 is not adequate, and will lead to on-road obstruction;
- There is concern over means of preventing illegal parking around the emergency barriers;

- Has consideration been given to parking for the former Post Room, Guard House and Gaol?

The letters received to date also raise a number of issues which are either not planning considerations or relate to development outside the remit of the current application. These points are listed below, but cannot be taken into account in determining the application:-

- The proposal would result in the devaluation of property;
- Why should a greenfield site be developed to build a school when there is plenty of redundant brownfield land available?
- Residents of the existing dwellings at North Barracks wish to reserve the right of way over their present access to the site unless a suitable alternative access can be provided;
- If developers wish to bring in domestic services through the North Barrack Road access, surely the permission of adjacent landowners must be sought;
- The roadway in front of the existing dwellings on the site is not shown for adoption;
- It is understood that the area adjacent to the proposed emergency access is not in the applicant's ownership; an alternative must be found;
- Concerns are expressed that radical changes would be made to the unregistered track which runs along the south-eastern boundary of the North Barracks site.

f) Background

This application was originally presented to Planning Committee on 5 October 2000 (Item 6), with a recommendation that the Director of Planning and Technical Services be authorised to grant planning permission subject to no new issues being raised during the remaining period for the submission of representations (which expired on 13 October 2000) and various outstanding matters being satisfactorily resolved. Members did not accept the recommendation, and instead resolved to defer consideration of the application pending the expiry of the period for submission of representations. Concern was also expressed over a number of issues including the means of vehicular access to the proposed and adjoining development.

The application is now brought back to Committee with an expanded and updated report. This addresses the matters which were of concern to Members in greater detail, and includes all representations received to date. The period for the submission of representations has now expired.

The Site

The application site comprises 2.62 hectares, encompassing approximately 50% of the North Barracks complex but excluding a substantial area in the eastern half of the site. Part of the excluded area was covered by outline planning permission DOV/98/0793, which received approval in principle for B1 and B2 employment uses. The remainder of the excluded part of the North Barracks site is covered by planning permission DOV/98/0794 which provides for the conversion of existing buildings for B1 Use and the provision of residents' car park (Section d) above refers). The current application site extends marginally into the area allocated for employment uses under Local Plan Policy AS5.

The site of the application which is the subject of this report encompasses Buildings 52, 54, 56, 58, 61, 62, 63, 136, 137, 51 and 71, or the sites thereof. Some of these buildings have already been demolished, including the former Globe Theatre and Drill Shed (demolition did not require any form of planning consent).

The northern boundary of the site abuts North Barrack Road at two points, adjacent to the junctions of Gladstone Road and Campbell Road; there is an existing vehicular access point serving the site adjacent to the latter junction. Between these two points are four listed buildings (Numbers 65 - 68), formerly officer accommodation, which are now occupied as individual dwellings. The rear elevations of these dwellings abut North Barrack Road and their south-facing frontages look onto the application site, the northern boundary of which abuts those frontages. Land to the west of listed building number 65 also lies outside but abuts the application site, and is the subject of a recently-granted planning permission for a single dwelling (Section d) above refers). The vehicular access road which runs to the immediate south of this site and the listed buildings lies within the application site. The eastern boundary of the application site abuts a track running along the rear of properties in Campbell Road for a length of 68m, but then kicks back to the centre of the North Barracks complex, running parallel to Gladstone Road until meeting with Canada Road.

The southern boundary of the application site abutting Canada Road runs for 115m and includes an existing gated vehicular access at the eastern end. To the west of this access, the site is defined by a high boundary wall, which extends around the junction of Canada Road with Gladstone Road to define the whole of the western boundary of the site, running for some 290m. There is a burial ground in the north-western corner of the site measuring 122m x 24m at its widest point, through which there is an existing pedestrian footpath. Development on the opposite side of Canada Road, facing the southern boundary of the site, takes the form of two-storey terraced dwellings; on the opposite side of Gladstone Road, facing the western boundary of the application site, is a mix of detached, semi-detached and terraced properties, mostly of a late period.

Of the existing buildings within the application site, only one is listed, this being Building 69 in the north-eastern corner of the site adjacent to the junction of North Barrack Road and Canada Road.

The Original Submission

This application was received on 16 June 2000 and sought full planning permission for the erection of 81 dwellings. Of these, 43 were described as four bedroom town houses, 28 four bedroom detached houses, 8 three bedroom terraced houses and 2 four bedroom semi-detached houses. A limited mix of house types was proposed, comprising two storeys and three storeys. The road layout was virtually identical to that which was approved under planning permission DOV/98/0793, providing for an estate road leading from the existing site access in Canada Road and winding its way northward through the site to terminate with a turning head adjacent to Building 68.

The existing access from North Barrack Road was to be retained as an emergency access only and closed by an appropriate barrier, in the same manner as approved for the previous planning permission. The existing road running westwards in front of the listed buildings was to be retained, leading from the end of the new estate road and also serving the site of the new dwelling adjacent to Building 65 and the proposed residential conversion of Building 64. To the immediate south of this road is shown a large amenity area, and the burial ground at the north-western corner of the site is also designated as an amenity area. A number of existing trees which are the subject of a Tree Preservation Order would be retained; one protected tree would be replaced. A third amenity area would be provided at the junction of Gladstone Road with Canada Road, on the site of the former Globe Theatre (now demolished).

Parking provision is shown to be exclusively within the curtilages of individual dwellings, by means of double garages with parking spaces in front. Some of the house types have been designed such that garages would be provided to the rear of the properties, with access to them through a shared covered way leading from the estate road. Eleven terraced dwellings were shown fronting onto Canada Road, positioned close to the back edge of the pavement, with garaging at the rear accessed from the new estate road. The high wall along the Gladstone Road and North Barrack Road boundaries would be retained.

The application was accompanied by a 10 page design statement. This is too lengthy to be summarised in the context of this report, but may be obtained from the Case Officer.

Amendments

Following extensive negotiations, amended drawings were received on 7 September 2000 which considerably revised and upgraded the various house types, introducing a greater degree of variation and improving the layout in terms of the juxtaposition of various dwelling footprints, although the road layout remains unchanged. The revised plans specifically exclude Buildings 64, 69 and 70 from the redevelopment, although they remain within the application site boundaries, and set aside land which would facilitate the conversion of these buildings to residential use. The number of dwellings directly opposite the listed buildings was reduced from four terraced properties to three detached properties, which are positioned 21m from the frontages of Buildings 66, 67 and 68 (4m closer than the previous scheme). The frontages of these dwellings would face northwards towards the listed buildings and would be fronted by a pedestrian path winding along the edge of the principal amenity area. Elsewhere in the layout, two detached houses

were replaced by three terraced houses, so retaining the number of dwellings at 81. Garages to two plots were omitted, the architect stating that this would give the houses in question an improved outlook.

Full details of boundary treatments were now provided and a number of changes were made to elevational details. Parking spaces were also provided to cater for the existing dwellings at 65 - 68 North Barracks Road, positioned on the southern side of the road running in front of those properties in a manner similar to the layout approved under the previous planning permission.

It was also confirmed by the architect in an accompanying letter that all external roadworks upon which the previous planning permission was conditional are the subject of ongoing negotiations to finalise a Section 278 Agreement providing for the completion of those external roadworks, with the exception of such works as relate to the school site adjoining the South Barracks. Further revised drawings were received on 28 September 2000 and 5 October 2000, addressing outstanding design and highways concerns.

The most recently-received drawings will be displayed at the meeting.

Structure Plan Policies

The strategic policy framework within which these proposals are to be assessed is set by the Kent Structure Plan. Structure Plan Policy H3 specifies that use will be made of opportunities in urban areas to meet housing requirements, particularly for small households who would benefit from being close to urban amenities. (Committee will also be aware of the emphasis on re-use of urban land in PPG3). Policy H4 specifies that all major residential land releases should be well related to the existing network of public transport provision. Policy H7 specifies that on larger housing sites local planning authorities will seek the provision of a range of dwellings, sizes and types to meet District needs for both family housing and smaller units of accommodation, including affordable housing.

Policy T12 seeks to ensure that within residential areas provision is made for traffic management measures, including appropriate traffic calming where necessary to keep vehicle speeds low and reduce accidents. Policy T17 states that development will be required to provide for vehicle parking on site in accordance with Kent County Council's parking standards.

Policy S9 seeks to secure the provision of additional community facilities and other infrastructure, including educational provision, where such need is generated by proposed development.

Policy ENV17 seeks to conserve and enhance the character, quality and functioning of Kent's built environment, ensuring that development is well designed to respect its setting and that development which would be incompatible with the conservation or enhancement of the character of the settlement would not normally be permitted. Policy ENV16 seeks to make best use of land in built-up areas. Policy ENV19 seeks to preserve listed buildings and protect and enhance their architectural and historic integrity and the character of their settings.

Dover District Local Plan Policies

The strategic policy framework is fleshed out by the policies contained in the emerging Dover District Local Plan. The Committee will be aware that the plan has been the subject of a Local Plan Public Inquiry, and the document in its present form comprises the draft Local Plan which was placed on deposit prior to the Inquiry together with modifications which were approved by the Council in July 2000 following consideration of the Inquiry Inspector's report. The consultation period associated with the modifications of the Local Plan has recently expired and a further Public Inquiry will be held into the modifications in the light of objections received thereto.

Local Plan Policy AS5 in its modified form relates specifically to the North Barracks and reads as follows 'The redevelopment and re-use of the Royal Marines School of Music North Barracks ... for B1/B2 employment, residential, community and/or institutional uses will be permitted provided:-

- (i) A survey and evaluation is carried out to determine the extent of underground works and any contamination, and remedial measures proposed to ensure development of the site does not pose a risk to human health;
- (ii) Any residential development be confined to the allocated part of the site and the number of dwellings should not exceed approximately 100 units;
- (iii) The burial grounds and Garden of Remembrance for the Deal Bombing are retained as memorial gardens with public access to the Garden of Remembrance;
- (iv) Development preserves the listed buildings, their settings and their special architectural and historic interests;
- (v) All important trees and wall to safeguard it; and
- (vi) The development is acceptable in terms of traffic generation.

In order to fully assess the traffic implications a Traffic Impact Assessment will be required'.

The modified policy is in accordance with the recommendations contained in the Inquiry Inspector's report.

A number of other Local Plan Policies are relevant to the determination of these applications, none of which are significantly affected by the Inspector's recommendations or modified substantially from their original form in the Local Plan Deposit Draft, and to which weight can therefore be attached. Policy TR1 states that development which would attract high levels of travel will only be permitted within the urban areas in locations which are well served by an appropriate range of means of transport, subject to access and traffic management considerations. Policy TR7 states that development which would attract vehicles will not be approved unless provision is made for cycle parking and on-site vehicle parking.

Policy DD1 seeks to secure a high standard of design for new development. Policy DD4 seeks to secure adequate garden space for new dwellings, based on the size of the dwellings, their relationship with other properties and the character of the surrounding area.

Policy HE1 states that proposals for development will not be permitted if they do not preserve or enhance the character or appearance of a conservation area (although the application site does not lie within a conservation area, there are two conservation areas in very close proximity). Policy HE3 states that proposals affecting a conservation area will only be permitted if they preserve or enhance the area's character and appearance, respect important elements of the existing area and reflect the scale, form, materials and architectural character of the area's existing buildings. Policy HE5 seeks to ensure that proposals affecting listed buildings do not adversely effect the character or setting of those buildings.

Policy HS6 states that the Council will seek agreement with developers of residential schemes of 25 or more dwellings on a residential site of 1 hectare or more, irrespective of the number of dwellings, to include an element of permanent affordable housing. The size of the element would be determined through negotiation, taking into account market and site conditions. Policy CF3 states that where proposals for residential development would give rise to the need for new, improved or extended community facilities, the Council will seek a legal agreement with developers to contribute towards or provide them. This will include the provision of additional school places.

Policy OS2 states that proposals for new family housing comprising 15 or more dwellings will not be permitted unless children's play space is provided in accordance with standards of the Council and its long-term maintenance is secured. Conditions would be placed on any planning permission requiring the developer to maintain the new play space and, if necessary, the Council will seek to enter into a legal agreement with the developer for this purpose.

Policy AS6, which relates specifically to the South Barracks site, is also relevant to this application insofar as it specifies that publicly accessible open space should be created on the former sports field to the west of the South Barracks.

The Principal Planning Considerations

The principal planning considerations in this case are:-

- The presence of an outline planning permission with an approved layout for residential development on the site;
- The extent to which the proposals are in accordance with current planning policy. It is necessary to assess whether departures from certain policies can be justified because of the special nature of the site;
- The acceptability of the proposed layout and house designs in terms of the relationship to the character of the North Barracks site and the setting of the listed buildings along the northern boundary and other existing development around the site;

- The acceptability of the proposal in highways terms, with regard to both the adequacy of the local road network to handle the additional traffic generated by the development safely and whether the proposed off-site highways works are sufficient to ensure this, and whether parking/manoeuvring, access and traffic calming measures within the development site are of sufficient quality and standard.

These considerations are dealt with in turn below under separate headings. A number of secondary considerations are also summarised towards the end of the report under the heading 'Other Planning Issues'.

Policy Considerations

The Principle of Residential Development - The North Barracks were originally allocated for employment use in the deposit version of the Local Plan, and a number of objections received to the principle of residential use. However, Policy AS5 as set out in the deposit draft was amended prior to the Local Plan Inquiry, has been thoroughly assessed through the Inquiry process and was endorsed by the Inspector. The modified policy follows the Inspector's recommendations and the principle of residential use on some 2.62 hectares on the North Barracks site is therefore established. The existing outline permission on the North Barracks site of course reflects this policy endorsement. Whilst the present proposal extends marginally into the area allocated by the Policy for employment use, the area of land in question amounts to only 200 sq. metres, and does not in itself give grounds for refusal.

Implications for the Employment Site - The Committee will be aware that a proportion of the North Barracks site is set aside by the Local Plan for employment use. This area (apart from the 200 sq. metres as mentioned above) falls outside the current application area, which is concerned only with residential development. Some objectors have expressed a concern that a track along the site's eastern boundary, known as Stoney Road, shown on the illustrative plan which accompanies the existing outline permission as forming the main vehicular access to the employment development, is outside the ownership of the developers. Some Members expressed concern of the last meeting that should this track not be available to the developers, then the employment sector of the site may not be able to proceed. The applicants do not accept this, and have employed Solicitors to refute the claims made by objectors in relation to this matter. In the light of the Committee's concerns at the last meeting, the applicants have submitted a package of recent legal correspondence from which the following points emerge:-

- The applicants have good and marketable title to the southern section of Stoney Road, which would provide access to the southern portion of the employment sector;
- A land registry entry shows that the right to use the southern section of this road was granted by the applicant's predecessors, Groundlane Limited, to Dover District Council in 1999, at which time ownership was not in dispute;

- With regard to the northern section of Stoney Road, it is known that the title to the land is unregistered, but also that any interest that the prior owners of the property had in the land was transferred to the applicants when they purchased the adjoining land;
- Solicitors believe that no other person is able to demonstrate a better claim to the title of the roadway other than the applicants;
- The military enjoyed uninterpreted use of the road throughout the time of their occupation of the barracks from 1795 onwards, restricting this use of the southern end for security reasons for the 1950's or 1960's onwards;
- A lieutenant stationed at the Barracks from 1969 made a statutory declaration in 1997 to the effect that Stoney Road had been used for access purposes to the North Barracks during his time there.

Regardless of whether or not the developers own this track, the issue is not a matter which the Committee can take into account in determining the current application, for two reasons. Firstly, the road lies outside the current application site. Secondly, land ownership is not a material planning consideration, and applicants can apply for development on land regardless of whether they own it or not. The Committee must therefore set this issue aside, although the summary of the up to date position given in the previous paragraph should be ample to give Members reassurance. The legal documentation submitted by the applicants is available from the Case Officer if required.

Provision for Education - Structure Plan Policy S9 and Local Plan Policy CF3 specify that where proposals for residential development will give rise to the need for new, improved or extended community facilities, the Council will seek a legal agreement with developers to contribute towards or provide them. In the case of the current planning application, the County Council has not made any specific recommendations with regard to the need for additional educational places; however, in relation to the previous planning application (DOV/98/0793), the County Council clarified that a demand would be created by the development for additional educational places at both primary and secondary school level. Advice was to the effect that secondary school places could be provided through the expansion of existing schools in the Deal area, but the primary school provision would need to be through the construction of a new school to replace the existing Deal Parochial School in London Road/Beechwood Avenue.

The Committee will be aware that the County Council has recently granted planning permission for the replacement primary school on the western side of the South Barracks Drill Field, adjacent to Gladstone Road and Hamilton Road (ref. DOV/99/1210). The grant of outline planning permission DOV/98/0793 was subject to a requirement that a financial contribution be made by the developers towards the provision of additional school places and the land required for the primary school transfer to the County Council. The required financial contribution and transfer of land has now taken place, and accordingly there is no need to make further provision for educational requirements in association with any planning permission granted pursuant to the current application.

Public Open Space - Local Plan Policy OS2 specifies that play space for children should be provided as part of any sizeable residential development. Due to the restrictions and special nature of the site, this requirement has been waived on the North Barracks site subject to that section of the sports field adjacent to the South Barracks which would not be required to accommodate the new school being made available as public open space instead. The land required for this purpose has now been conveyed to Walmer Parish Council and accordingly no further provision needs to be made in association with any planning permission granted pursuant to the current application for the provision of open space. In addition, the housing layout now put forward for consideration incorporates three amenity areas, including the burial ground in the north-west corner of the site. Members will be aware from the comments at section e) that a turning head has been requested by some local residents which would intrude into one of these amenity areas. Given the limited on-site amenity provision, this would be quite unacceptable, and would also adversely affect the setting of the listed buildings. Furthermore, it is important to note that the Council is in no position to insist on the provision of such a turning area, as none of the properties for which planning permission is presently sought would be served by the road in question.

Affordable Housing - Local Plan Policy HS6 specifies that affordable housing should usually be provided on residential sites on the scale of the North Barracks proposals. However, in view of the restricted nature of the site, it has been determined that the provision of affordable housing at a reasonable price would not be practical. Nevertheless, it is possible that an opportunity for affordable housing may be forthcoming as part of the redevelopment scheme for the 'courtyard' site at the northern sector of the South Barracks site in circumstances where the approved live/work units proposed for that site as shown to be unviable. An identical departure from affordable housing policies was made in respect of the outline planning permission DOV/98/0793.

Layout and Design

The general layout and disposition of properties associated with the original plans submitted as part of this planning application was considered to be acceptable, and addressed the particular site context. The scheme reflected the general layout of the surrounding streets and could be said to reflect a 'military style' in keeping with the barracks. The provision of terraced houses fronting onto Canada Road was welcomed and would create some much-needed street enclosure. The amenity space at the corner of Canada Road and Gladstone Road would also be an attractive corner feature which would help with visibility problems at the road junction. The brick wall along Gladstone Road and North Barrack Road would be retained as an important reminder of the former use of the site.

The principal concern with the original layout related to the setting of the listed buildings at the northern end of the site, this also being an issue raised by local residents. Although the outline permission for the site provides for a total of four properties in this location, it is felt that there is still room for improvement. It was therefore suggested to the applicants that it would be far more appropriate to have just two large detached properties on this site rather than a terrace of four. These would need to face the listed buildings with

brick courtyard gardens behind, fronting the main estate road. This issue has now been resolved in an acceptable way, albeit by replacing the terrace with three dwellings rather than two. The reduction in the number of units is purely in the interests of safeguarding the setting of the listed buildings, and has nothing to do with influencing the adoption of the adjacent roadway as suggested by an objector.

The revised layout requires the removal of one protected tree, an issue which has become the subject of objection. However, the Council's Ecologist has examined this issue and concluded that the tree is not a particularly important specimen and may be removed, as long as it is replaced. Two replacement trees are shown on the revised drawings.

The original house designs put forward in the application were disappointing, in that most of them constituted a pastiche and did not reflect modern design in any respect. However, this in itself would not give grounds for refusal and officers therefore undertook to negotiate with the developers on the basis of the pastiche house designs with a view to upgrading detailing in an appropriate manner. Accordingly, a great many recommendations were conveyed to the architect with regard to the way in which fenestration, materials, brick detailing and other architectural details could be amended. Chimney stacks were requested, together with full details of boundary treatments. Revisions to the designs of double garages were sought, to ensure continuous roof planes, rather than two pyramids originally proposed, which would result in an unsightly development.

Revised plans were received on 7 September 2000 and constituted a considerable improvement upon the original submission. Nevertheless, there were still a number of concerns regarding details of house types and some aspects of the layout, and this revised scheme was not therefore a satisfactory basis for granting planning permission. The principal concerns were as follows:-

- The detailing of the houses to be positioned opposite the listed buildings, particularly the porches and chimney stacks;
- The absence of proper screening to the rear gardens of these properties, comprising 1m high brick walls with hedging, thus affording no privacy at all. A 1.65m high wall is required here to create walled courtyards with timber gates;
- The distribution of house types across the layout was still somewhat random where they form part of a terrace. For example, there was a very awkward mix of two storey and three storey houses within the same terrace, which would very much detract from the character of the development;
- The fact that some protected trees (other than that raised by the objector) have been placed under threat, so requiring minor layout revisions;
- Generally, house types were still missing the detailing which was requested during negotiation, and there was still an absence of

chimney stacks (apart from on the dwellings opposite the listed buildings).

All the above issues have since been satisfactorily resolved by the latest set of revised plans.

Highway Matters

The road layout utilised for the current application is very similar to that approved after lengthy negotiations for planning permission DOV/98/0793, and is therefore acceptable. Objectors continue to campaign for alternative access points, including one from Gladstone Road which would be most unsafe and require the loss of the boundary wall. It cannot be emphasised too strongly that access arrangements were fully explored and finalised when processing the previous planning application on the site, and these were endorsed by the Planning Committee, reflecting the advice of Highways engineers and Kent County Council. At that time, it was firmly concluded that a single access point from Canada Road in tandem with off-site highways improvements was the only acceptable solution in road safety terms. Objections to that agreed layout, which is embodied in the current application, are groundless, and the Committee has no option but to set them aside.

There is no need for a Traffic Impact Assessment as set out in Local Plan Policy AS5 as this was submitted with the previous application (DOV/98/0793) and found to be acceptable. However, a number of minor issues relating to specific parking spaces and access points for individual dwellings were not addressed by the original submission, and required tweaking of the layout to ensure the required road safety standards. It has previously been confirmed in the context of the previous planning permission that an emergency vehicular access with an appropriate barrier should be retained from North Barrack Road. Endorsement by the emergency services of this arrangement was received in association with the previous planning permission; therefore, in answer to one of the objections raised, there has been no need to seek their views on the current application. At the previous meeting, some Members expressed concern that the disputed ownership of Stoney Road (detailed earlier in this report) may prevent use of the emergency access from North Barrack Road. In response, the applicants have obtained Solicitor's advice to the effect that any such problems can be overcome through application of Section 228 of the Highways Act 1980, should this prove necessary. Accordingly, this issue does not present an obstacle.

Notwithstanding the objections received, the level of parking provision is acceptable in all respects. It has also been ensured that adequate land would remain to cater for the parking requirements of Barracks buildings which are not covered by the application, an issue raised by one objector. However, there was concern that the provision of parking spaces to cater for the existing dwellings at 65 - 68 North Barracks, which was negotiated into the previous planning permission, had been omitted from the original submission, and the applicants were therefore asked to incorporate this provision into revised plans to meet the requirements of the occupants of those properties, many of whom have raised the issue. The same residents have persistently asked for the provision of a footway and turning area for the private road which runs in front of their properties. Whilst the Council would be justified in requiring the upgrading of that road by means of a condition attached to the

planning permission to ensure that the setting of the listed buildings is protected, it would be quite unreasonable to impose requirements for a footway and turning head, particularly as such provision would result in the loss of part of the very important amenity area at the northern end of the site. Furthermore, such provision could not be enforced by the Council, as it something which the objectors should have secured with recourse to a Solicitor when purchasing their properties. They are now effectively seeking to improve the *status quo* through misuse of the planning system, something which the District Council should not in any circumstance endorse.

The various outstanding highways details identified above, all of which were of a minor nature, have now been satisfactorily addressed in the latest set of amended plans. The absence of any significant reference in the original submission to the off-site highways improvements, which are an essential element of the North Barracks redevelopment, was initially of concern. However, in the submitted amendments the architect has confirmed that negotiations are progressing in respect of all external highways works required in association with the North Barracks development and that it is accepted that any permission granted would be conditional upon those works being carried out in full. Committee will recall that these works comprise substantial improvements at the junction of The Strand/Dover Road/Canada Road, including carriageway alignments sufficient to discourage high vehicle speeds, and improvements at the junction of North Barrack Road/Campbell Road and The Strand.

Finally, for the sake of clarification and in response to the Parish Council's latest comments, it is true to say that concerns have been expressed by officers on an informal basis about the possibility of significant use of the South Barracks drill field access to Canada Road. However, these concerns are not associated in any way with the means of access to the North Barracks, as implied by the Parish Council; instead, they focus on:-

- (a) The desirability of ensuring that all South Barracks traffic uses a single access point (as for the North Barracks); and
- (b) The substandard nature of the drill field access in comparison to that which has been negotiated to the South Barracks further along Canada Road.

Other Planning Issues

A number of other planning issues have been raised by various consultees as summarised in section e) above, all of which can be satisfactorily addressed through conditions and informatives to be attached to any grant of planning permission as set out in the recommendation at g) below. These include:-

- A requirement to ensure that the site is surveyed for the presence of bats, which are a protected species, and to ensure that care is taken to safeguard the habitats of badgers, which are also protected;
- Drainage and contamination requirements as recommended by the Environment Agency;

- Provision for building recording prior to demolition and archaeological investigation of the site (albeit that some has already taken place pursuant to planning permission DOV/98/0793).

Conclusions

The foundations for the current planning application were already laid by outline planning permission DOV/98/0793, which had already established required access points, highways improvements, appropriate policy exemptions, educational requirements and open space provision. The current application has utilised the road layout approved at that time, and has therefore being considerably less complicated to resolve, and negotiations have focused principally on matters of design and layout. These are now completely resolved, from both aesthetic and highways viewpoints.

It is recognised that the granting of planning permission may result in an interference with right of the third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under the same Articles. The concerns identified in this report relating to the proposed development are important material planning considerations and it is considered that planning permission may be granted, subject to conditions, in the public interest.

- g) I GRANT PLANNING PERMISSION with conditions and informatives to be delegated to the Director of Planning and Technical Services, but to include the following:- (i) DP01; (ii) DP04; (iii) LA04; (iv) LA07; (v) LA36; (vi) LA37; (vii) LA42; (viii) LA43; (ix) AR07; (x) ARO2; (xi) AR01; (xii) MA04; (xiii) MA09V (Details of means of enclosure; resurfacing of existing road in front of 65-68 North Barracks); (xiv) PD02V (Including extensions, outbuildings and means of enclosure); (xv) Conditions relating to highway matters, delegated to the Director; (xvi) Prior to the commencement of development, details of all brick walls to be retained along the boundary of the site and the height at which they are to be retained shall be submitted to and approved by the Local Planning Authority and subsequently implemented in the approved manner. Reason: In the interest of visual amenity and to safeguard setting of the listed buildings; (xvii) Prior to the commencement of works, all buildings on the site shall be surveyed to identify the presence of bats, in accordance with a procedure which shall be agreed with a specialist who should first have been approved by the Local Planning Authority. Reason: To ensure the protection of bats; (xviii) No meter boxes, vents or flues shall be attached to or inserted into the exterior of any buildings unless the prior written consent of the Local Planning Authority has first been obtained upon details having been submitted for approval. Reason: To protect the character and setting of the new development; (xix) Conditions as recommended by the Director of Health and Housing including the provision of an acoustic barrier and noise level restrictions of residential facades; (xx) Conditions as recommended by the Environment Agency; (xxi) LA31; (xxii) Soft landscaping works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. Reason: To ensure a high quality of design and in the interest of enhancing the quality and enjoyment of the environment, (xxiii) LA25; (xxiv) LA33; (xxv) No development shall take place until full details of refuse storage and collection facilities have been submitted to and approved in writing by the Local Planning Authority and

these works shall be carried out as approved. Reason: In the interest of preserving the character and appearance of the new development; (xxvi) The burial ground area shown on the approved layout plan shall be retained and laid out as memorial gardens with full public access in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, to be fully implemented during the first planting season following the commencement of development. Reason: In the interest of vision on residential amenity; (xxvii) Any conditions appropriate in the light of amended drawings.

- II An informative BE SENT to the applicant relating to the need to ensure that the development does not disturb badgers; conveying the Environment Agency's requirements; and clarifying that the permission does not relate to Buildings 64, 69 and 70.
- III 107, 113I.

APPENDIX

42	New Intake Block
43	Concert Hall
48	Main Galley/NAAFI
49	Guardroom
50	Building 50 Lean-To
16	Grandstand Changing Room
51	Globe Theatre
52	Store
54	MT Workshop/Garages
56	USO's Store
58	Store
61	Main Accommodation Block
62	Higher Training
63	PW Tent Store
64	Old Stables
65	D House
66	E House
67	F House
68	G House
69	Old Post Office
70	Old DQ's/K House
71	Drill Shed Complex

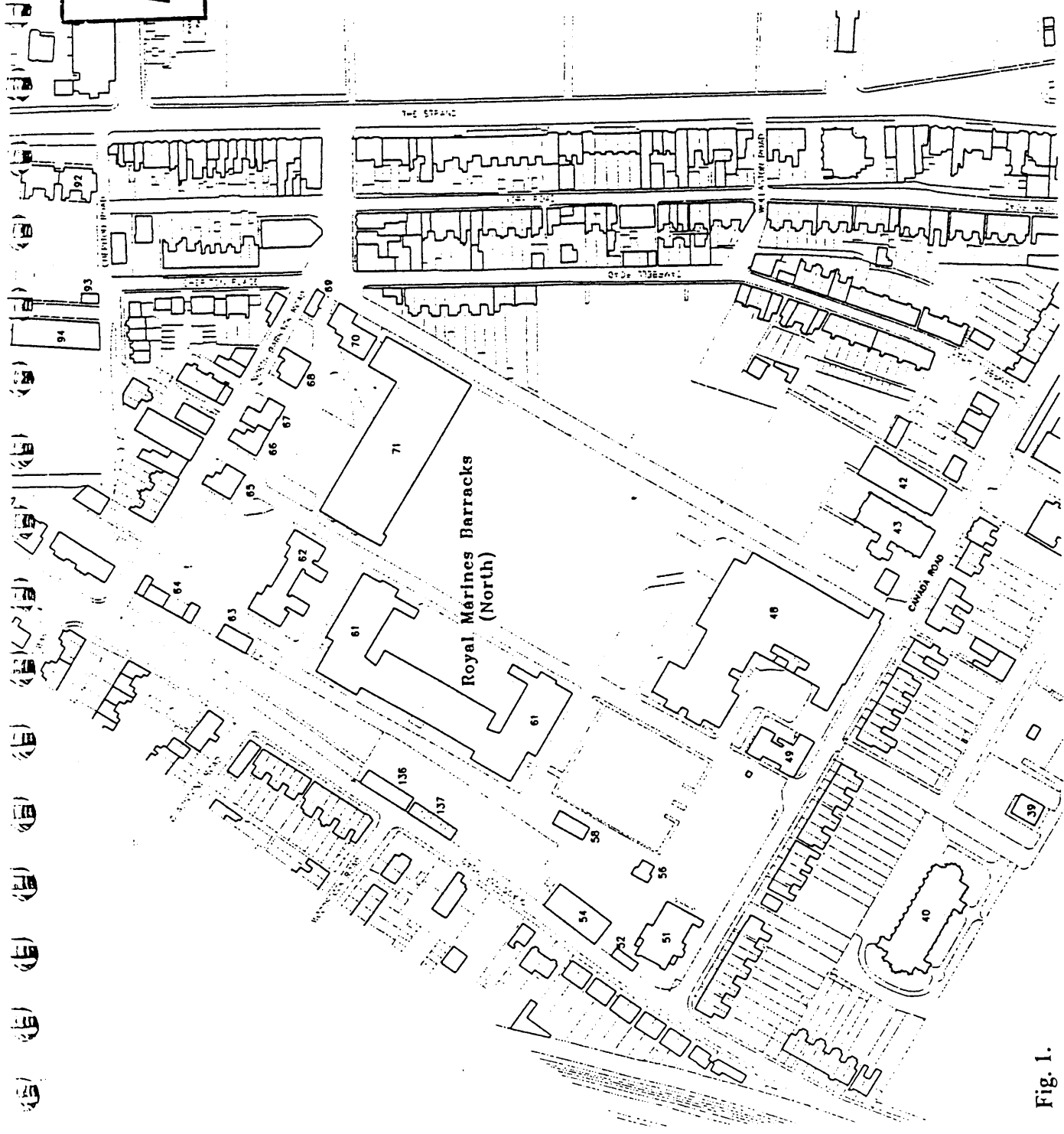


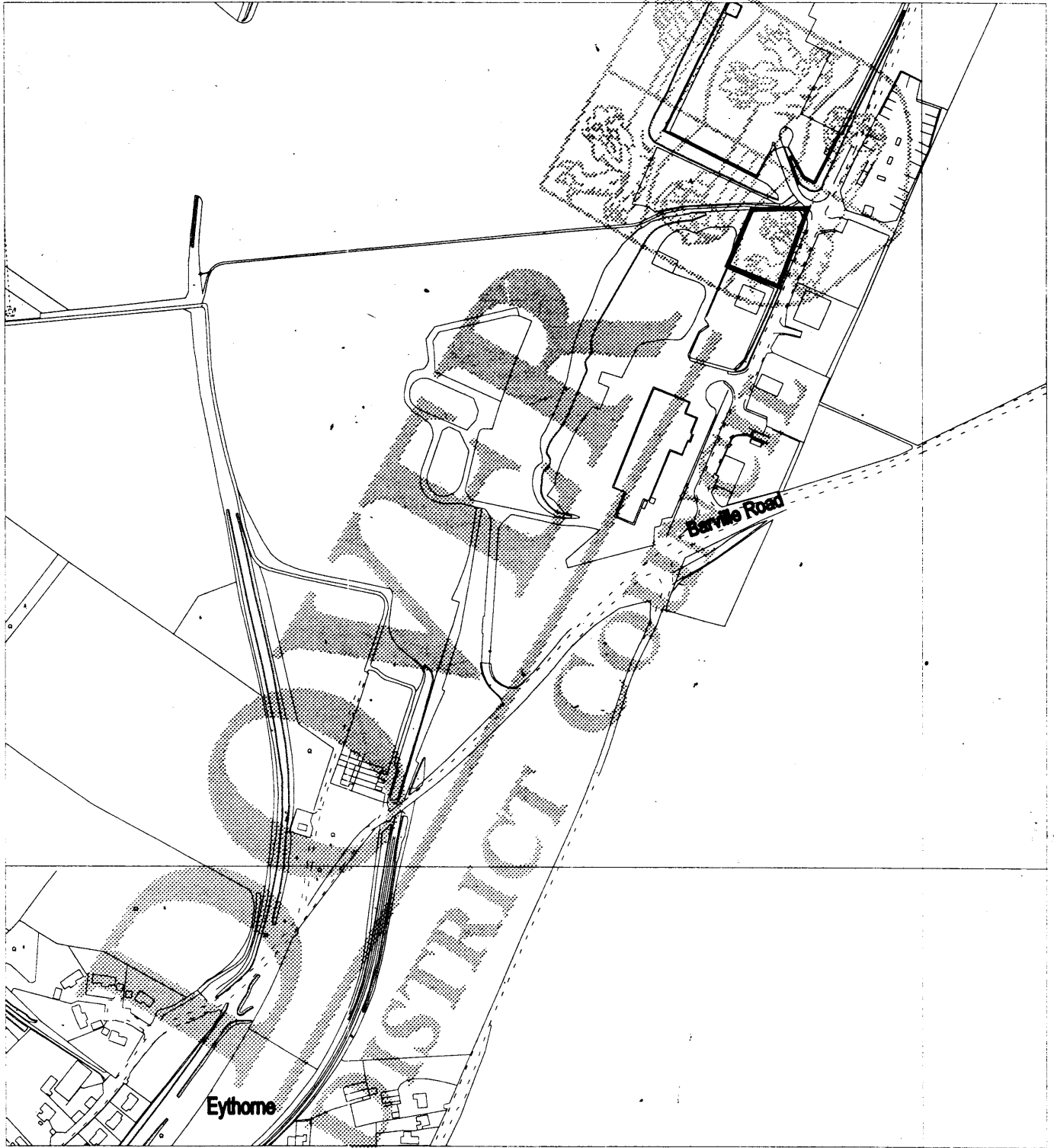
Fig. 1.

EXISTING BUILDING NUMBERS - NORTH BARRACKS

MANFIELD ARCHITECTS PARTNERS PLANNERS
m h
 MILLER HUGHES
 ASSOCIATES LTD

Client's name _____
 Job title _____
 DEAL _____
 Drawing title _____
 NORTH BARRACKS
 BUILDING NUMBERS
 Scale at A3 1:2500
 Drawn by _____ Date _____
 Checked by _____ JAH
 Address _____
 Job No. 9808 31
 Drawing No. _____
 Status PRELIMINARY DRAWING

This plan has been produced for Planning Committee purposes only. No further copies may be made



Scale: 1/5000

Application: DOV/00/774
Eythorne

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6. a) DOV/00/0774 TR 288 : 505
- b) **Outline application for industrial building (B1/B2/B8 Uses), Land adjacent Mike Beer Transport, Pike Road Industrial Estate, Pike Road, Eythorne.**
- c) Kent Structure Plan - Policies RS1, RS5, ENV4, ENV14 and ENV18
Dover District Local Plan - Policy LE3
- d) DOV/96/0166 - Construction of ready mixed concrete and mixing and batching plant - Approved.
- e) Highways comments: No objection subject to conditions including a condition governing the routing of vehicles.

Director of Health and Housing: Raises the issue of the impact of heavy goods vehicles locally and requires further information relating to estimated night time vehicle movements (in the event that operation was 24 hour) and details of the type of machinery proposed to be used.

Director of Economic Development: Welcomes the proposal.

C.A.: No objections.

K.C.C.Footpaths: No objections subject to the proposed access not going over the line of the footpath, otherwise suggests that a separate access be provided.

E.A.: No objection subject to condition and informative.

F.D.W.S.: No objections subject to normal requirements.

P.C.: Makes the following comments:-

- any traffic using the proposal should be made to use the A256/Barville Road/Pike Road route and this should be enforceable;
- concerned about the 24 hour usage and feels that limitations should be made regarding noise impact which will undoubtedly arise from such a proposal;
- concerned about the continuing grant of permission for these proposals especially as the majority involve HGV's which will have an impact on the surrounding roads. Before any more permissions are granted, consideration should be given to upgrading the roads.

C.P.R.E.: Accepts that the proposal is a necessary infill. It will not contribute to the further detriment of Barville Road as it requires few vehicle movements. The main concern is the preservation of the Special Landscape Area. It is hoped that the height of the building will be kept down even if this means "digging out" the site. A replica of the Mike Beer building would not be desirable. It is noted that the Dover Local Plan excludes skyline development and this would be an appropriate guide here. Any permission should include conditions on landscaping. An opportunity may exist to re-establish wild

flowers on the bank fronting the site - this was full of broom rape in 1996 - a flower local to only East Kent.

f) The Application

The application has been submitted in outline (external appearance, landscaping and design reserved for future approval) for an industrial building comprising 1352 sq.m. floorspace for B1/B2/B8 uses. The site falls within the Pike Road Industrial Estate on land which is identified in the Dover District Local Plan (Policy LE3) for industrial uses.

It is proposed that the premises be occupied by a vehicle body manufacturer. It is stated that this will be a subsidiary of the firm who occupy the adjoining site. 42 new full-time jobs are proposed to be created. The proposed hours of operation are 0700 - 1900 hours weekdays and Saturdays, although the applicant has asked that consideration be given to the potential be given for 24 hour operations as required. It is anticipated that the use would generate 25 cars, 2 light goods vehicles and 3 heavy goods vehicle visits to the site each working day.

No objections are raised to the principle of the use given the site's location within an area allocated for industrial uses. A major consideration, however, relates to the estate's prominent location within the Special Landscape Area and to the potential visual impact of the development. The other main issues are the impact of vehicle movements and noise generated by the use, in particular the request for 24 hour operation.

Assessment

As the application has been submitted in outline, the external appearance and design of the building can be conditioned for subsequent approval. Siting, however, needs to be determined at this stage. The position of the building is shown immediately adjoining the existing building to the south. A revised siting has been agreed showing the building set back from Pike Road to allow for landscaping. It is anticipated that further reductions in the prominence of the building can be achieved by excavating the site. In this respect, the applicants' agent has been advised that its height should be well below that of the adjoining building - this being perhaps the most intrusive of the industrial buildings on the estate. In the event that outline permission is given, it is suggested that a condition be imposed covering the issue of site levels.

The concerns about vehicle movements will be noted, although subject to a condition governing the routing of vehicles, no highways objections are raised. Plans submitted by the agent appear to show the access requiring a realignment of an existing public footpath. The views of KCC(Footpaths) in this respect are relevant, although the realignment of the footpath is a matter for the applicant to resolve with Kent County Council.

The proposed hours of use are set out above. The applicants' agent has stated that the use is most likely to operate within the 0700 - 1900 time frame, although the scope for 24 hour use is necessary should the company need to meet production deadlines. The views of the Director of Health and Housing will be noted regarding the need for further information to assess this matter.

In summary, no objections are raised to the proposal, although a number of matters remain to be resolved. The recommendation is therefore framed accordingly.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights 1998. This has to be balanced with the applicant's rights under the same Articles. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to the satisfactory resolution of outstanding matters and the use of conditions. The recommendation is made, accordingly, in the public interest.

- g) I SUBJECT TO the resolution of outstanding details including highways matters, and the issues raised by the Director of Health and Housing, PERMISSION BE GIVEN subject to (i) OPO1V; (ii) OPO3V; (iii) OPO5; (iv) OPO6; (v) MAO4; (vi) LAO1; (vii) LA03; (viii) LA07; (ix) LA23; (x) LA36; (xi) All new external lighting shall use full cut off lanterns, details of which shall be submitted for the prior approval of the Local Planning Authority. The lighting shall be installed as approved; (xii) Appropriate Environment Agency, Environmental Health and Highways conditions; (xiii) Any other conditions to be delegated to the Director of Planning and Technical Services to include DPO4.
- II The applicant be advised of the views of KCC(footpaths), Folkestone Dover Water Company and the Environment Agency.
- III I07.
- IV I13.

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Scale: 1/1250

Application: DOV/00/801
Deal

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7. a) DOV/00/0801 TR 363 : 520
- b) **Erection of one projecting sign, 224 London Road, Deal**
- c) Kent Structure Plan : Policy ENV17
Dover District Local Plan : Policies DD13, DD14, HE1 and HE3
- d) There is a lengthy history of applications, the most relevant being:
DOV/90/0872 - Retention of existing signs - Advertisement consent refusal.
- e) Highways comments: No objection subject to a condition.
T.C.: Raises no objection.
- f) The Site and the Proposal

The application site lies on London Road between its junctions with Middle Deal Road and Church Path and within the Upper Deal Conservation Area; it comprises a dwelling and bed and breakfast facilities.

The proposal concerns an internally illuminated, plastic panelled, aluminium framed, sign which is already in place on the front elevation. There are five other signs on this frontage, one externally illuminated, and a further signboard on the side elevation of the property but these are not the subject of the application. They are indicated on the displayed photographs. The sign the subject of this application is indicated as being 389mm in height, 236mm in width and 165mm in depth.

Policy Context

The relevant policies of the Kent Structure Plan and emerging Local Plan are identified at c) above. Policies ENV17 of the approved Structure Plan and HE1 and HE3 of the emerging Local Plan identify that the character and appearance of the conservation area should be preserved or enhanced. Development which would harm that character will not normally be permitted. Policies DD13 and DD14 of the emerging Local Plan identify the type and style of signs that will in normal circumstances be acceptable and seek to restrict such advertisements to those which do not detract from the character of the area, particularly where they lie within a conservation area.

Assessment

The principal planning consideration in this case is whether the proposal is acceptable in terms of its impact on the conservation area, bearing in mind the cumulative impact of the other signage on the building. It is clear by reference to a visit to the site and by the photographs displayed that there are numerous signs already on the building; only one of the signs displayed would not require express advertisement consent. Bearing in mind the location of the site within a conservation area it is considered that the amount of advertisement material displayed at the premises results in visual clutter, which in total detracts from the character of the area. It should be possible to accept suitably designed signs, of appropriate size, perhaps one on the frontage and one on the return side frontage. However, the current

application must be assessed on its merits and against the background of the existing situation.

The provision of an internally illuminated sign, albeit small, is not acceptable in this location either in visual amenity terms or in general policy respects. In particular, in view of its box-like shape and the method of illumination the visual impact of the sign would be such as to be detrimental to the character and appearance of the Conservation Area. It is of particular note that the plethora of signs at the premises in 1990 and refused under reference DOV/90/0782 were so refused on a similar basis. None of these was internally illuminated.

In pursuance of this recommendation it would be appropriate to suggest to the applicant that a revised scheme be submitted in an effort to achieve an acceptable display of signs but that, failing such an agreement, the Council would consider the appropriateness of legal action.

It is recognised that the refusal of advertisement consent may result in an interference with the applicant's right to peaceful enjoyment of possessions under Article 1 of the first protocol. The issues relating to the proposed development, as identified above, are important material planning considerations and cannot be overcome by approving the application subject to conditions. The recommendation of refusal is justified to protect the rights of others and in the public interest. It does not place a disproportionate burden on the applicant and would not constitute a violation of his rights.

- g) I CONSENT BE REFUSED on the ground that:- (i) The sign would constitute further advertisement clutter in this prominent location within a Conservation Area and for this reason and due to its form and manner of illumination would be detrimental to the visual amenities, character and appearance of the Conservation Area and contrary in particular to Policy ENV17 of the Kent Structure Plan and Policies DD13, DD14, HE1 and HE3 of the Dover District Local Plan.
- II The applicant BE ADVISED to discuss the submission of a revised scheme of appropriate signage and that, should the existing unauthorised signs not be removed within 6 months of the decision, consideration will be given to the taking of legal action to secure their removal.
- III I13I.

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Scale: 1/2500

Application: DOV/00/805
Whitfield

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8. a) DOV/00/0805 TR 302 : 447
- b) **Erection of two new dwellings with integral garages and new access to existing house, The Knoll, 16 Archers Court Road, Whitfield.**
- c) Kent Structure Plan : Policies ENV15 and H3
Dover and Western Parishes Local Plan : Policies DC1, DC2, DC4 and H01
Dover District Local Plan : Policies HS2, DD1, DD4 and DD5
- d) None.
- e) Highway comments: No objections subject to conditions.

C.A.: Recommends a condition.

P.C.: No objections.

P. R.: One letter has been received from an adjoining owner who over the years has enjoyed using the site to clear/maintain garage and conservatory windows that look out over the site, and expressing concern over the possible height of a boundary fence.

- f) The application relates to the curtilage of 16 Archers Court Road which is a detached house sitting in the middle of a plot measuring some 45m wide x 85m deep.

The proposal is to erect two new houses, one on either side of the existing, with appropriate new access points, including one for the existing house.

The site is within the urban confines of Dover; its development for housing therefore complies in principle with policies which aim to concentrate new housing in the built-up areas. PPG3 encourages the maximum re-use of previously-developed land and empty properties for housing purposes.

Archers Court Road has a very mixed style of suburban development with houses and bungalows, especially on its north side. Development is continuous with no noticeable gaps, those forming the application site with others of the south side nearby being screened from view by roadside trees and shrubs which are a feature in this part of the road. The roadside trees would essentially be retained. The gaps between the proposed houses and the existing house on the site and the neighbours would be similar to others nearby. Furthermore, the existing open garden is unremarkable and does not contribute importantly to the character of the locality. The depths of the plots would be similar to others in the vicinity. The current proposal would not be out of character with this and would therefore accord with Policies DC4 and DD5 and the Dover and Western Parishes Local Plan and the emerging Dover Local Plan respectively.

The third party comments are noted but relate to private matters that need to be resolved between the parties without the intervention of this Authority.

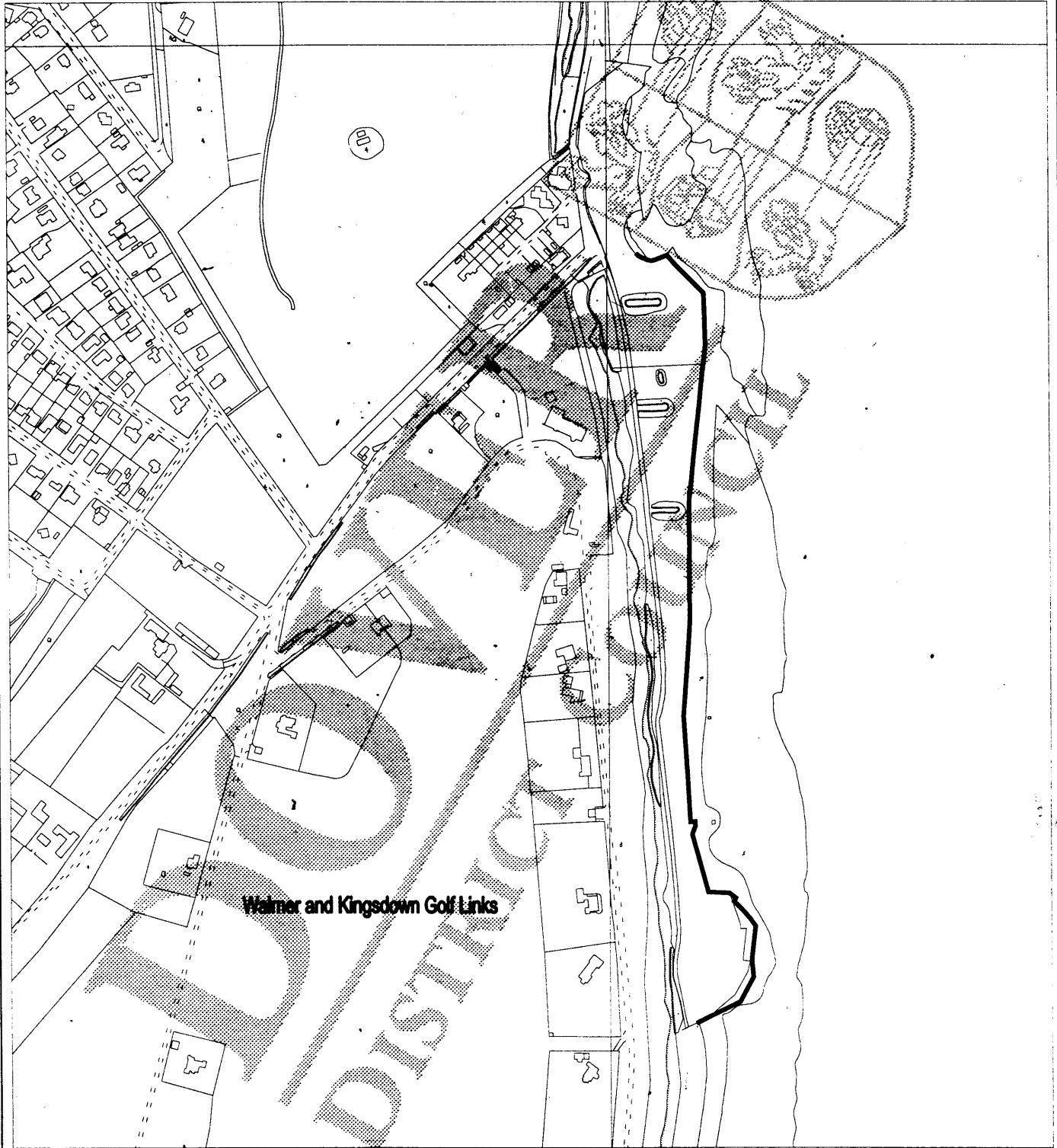
As a significant part of the character of the area is the contribution made by the trees on the site, it is intended to protect them with a Tree Preservation Order:

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights 1998. This has to be balanced with the applicant's rights under the same Articles. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- g) I PERMISSION BE GIVEN SUBJECT TO conditions to be delegated to the Director of Planning and Technical Services.

II I07.

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Scale: 1/5000

Application: DOV/00/825
Kingsdown

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9. a) DOV/00/0825 TR 380 : 474
- b) **Demolition of sea wall, Royal Marines Rifle Range, Undercliffe Road, Kingsdown.**
- c) Kent Structure Plan: Policies S2, ENV1, ENV2, ENV5, ENV9
Dover District Local Plan: Policy C03, C05, C06, WE10
- d) DOV/96/0120 - Circular 18/84 consultation for reprovision of sea defences - No objections raised subject to provisos regarding a scheme of operations and hours of working (Not implemented; relates to mainly to adjacent site).
- DOV/97/1262 - Circular 18/84 consultation for reprovision of sea defences - No objections raised (Not implemented; relates to adjacent site).
- e) Highways Comments: Insufficient indication is given of the likely quantities of material to be moved, the size of vehicles, times of movement and routes to be followed. This needs clarifying.

E.N.: Vehicular access to the foreshore should avoid the area of vegetated shingle just to the south of South Road, Kingsdown. If access is made by the usual route, and if necessary posts and signs erected around the area of vegetated shingle to prevent vehicular movement onto this area, then this part of the SSSI will not be damaged.

As stated in the screening study, undertaking works during the autumn and winter period will not affect breeding birds and will have less of an impact on invertebrates and plants than if undertaken at other times of the year.

The scarlet tiger moth is reported to occur at the site and I understand that a search is underway to determine its presence. Even if the moth is not found during this search it does not mean that it does not occur there. As part of the proposal for demolishing the sea wall I would welcome proposals for dealing with the moth and inclusion of any recommendations made by the consultant undertaking the search.

Dust is raised as an issue. Release of dust into suspension into the sea is unlikely to be a problem as the sea water around the Kent coast is already turbid due to erosion of chalk and the presence of sediment. This is particularly the case in autumn and winter due to increased storminess. Release of dust into the air may affect flowering plants and could be an issue with deposition on cliff top vegetation. Again, with the time of year in terms of plant growth and generally wetter weather this is unlikely to be a serious problem. It would, however, be useful to consider the likely transportation of dust beyond the edge of the top of the cliff and if necessary the inclusion of dust suspension measures.

I welcome the suggestion to use some of the material from demolition of the sea wall in the construction of the proposed DDC defence works at Oldstairs Bay. This would constitute sustainable use of resources.

In a separate letter, E.N. also advise that the environmental benefits of removing the sea wall, which includes safety and returning the coastline to a more natural state far outweigh any temporary disturbance to the nature conservation interest of the site. If the scheme coincides with the DDC scheme, shingle infill is predicted to move quickly along the coast and to enhance existing defences to the north. EIA not required in terms of Nature Conservation interest.

E.A.: Has no objection but the following comments and recommendations. The E.A. should be contacted regarding advice on the disposal of waste from the site. Expresses concern that the supporting 'Notice of Proposed Development' does not address the ecological and geological importance of this site. The demolition of the seawall could have significant impacts on the conservation and geological features of interest for which this site has been designated. Following discussions with E.N., the E.A. has no objections to the principles of this proposal. It is considered that the benefits of removing the sea wall in this instance will outweigh the localised disturbance to the SSSI. However the Agency would wish to be assured that the timing of the works endeavours to minimise disturbance to the ecological and geological interest of the site and sensitive techniques for the demolition and removal of the wall are employed. The works should aim to avoid the bird breeding season and if it is considered appropriate, translocation of valuable vegetation should be undertaken. The demolition of the sea wall will permit the return of a naturally eroding coastline. This is the natural situation for chalk coastline and will favour the archaeological value of this site. However, it may have dramatic implications on adjacent stretches of coastline as a consequence of altering localised coastal processes. These issues should be addressed.

K.C.C.(C.Arch.): The proposal is likely to affect remains associated with the military history of the Deal area. It is therefore recommended that building recording take place prior to commencement.

P.C.: Has no objection, however would like a firm guarantee that the scheme will be carried out in close co-operation with the Oldstairs Bay Scheme so they are completely compatible and not counter-active.

P.R.: 14 letters received including one from the National Trust which make the following planning points:-

- It is understood that when the sea wall collapsed at the northern end of the range, the MOD cleared the defences and buildings on the site and protected the rest of the range with larger stone blocks. Once this was done the MOD had no responsibility to protect Undercliffe Road;
- If the shingle on the rifle range is swept away, would it be the case that the MOD will have no further responsibility for coastal protection?
- The MOD's scheme is nothing more than an attempt to offload responsibilities for the rifle range, and medium or long term impact of their work has not been considered;
- Removal of spoil from the site will damage the area.

- Would it not be more sensible for MOD finance to be targeted at demolition of the sea wall to be added to the District Council's work to make that more comprehensive and long-lasting?
- It is claimed that the wall is not in good condition. However, it has changed very little in terms of its success in keeping the sea out over the last 20 years, while other schemes further north have come and gone most expensively. Consolidation of the area behind the wall would stop the sea from doing damage.
- The claim about possible asbestos concerns only a small part of the wall's length;
- It is claimed that without the wall the sea will only encroach up towards the cliff base a few inches per annum. Will compensation be given in the event of a mistake? Cliff falls have taken place in the locality and elsewhere, and the removal of the sea wall could make the cliffs vulnerable to rock slides with dangers to the houses on the cliff top and cliff walks;
- Storms have created problems in Undercliffe Road in the recent past. Had the sea wall not been there, considerable additional damages would have been done.
- Adjacent proposals for sea defences under 00/777 are unknown quantity in view of sea defence's failure at foot of Oldstairs Road.
- Application has been submitted in a very furtive way when people are on holiday.
- All future work for the coastline from Dover to Sandwich should follow a comprehensive plan. The coast from St. Margarets onwards is increasingly denuded and this scheme will extend that to wipe out lower Kingsdown and beyond. Sediment is drifting north from works in the Dover Harbour area. Proposals to revert to the situation before the rifle range are unacceptable without comprehensive studies of the effect of tides, currents, weather and developments in the Dover Harbour area.
- Would Dover District Council protect our property if MOD do this. Dover District Council should take over responsibility as it has for the beach and pay compensation for any loss.
- Walks would be lost.
- Proposals cause great concern for safety of Golf Club House in view of its proximity to the cliff edge which may be undermined putting the stability and safety of the building in jeopardy. If permission is granted to the MOD, the Club will expect the District Council to maintain the future protection of the Cliffs.
- Vibration from machines to break down the sea wall will damage the cliffs - the existing sea wall should be properly restored.

The National Trust indicates it is an affected landowner and believes much more detail is required, in particular:-

- (a) Concerning the effect of coastal processes including the dynamic tide environment.
- (b) Do the proposals take account of the Coastal Strategy Plan prepared by W.S. Atkins for Dover District Council.
- (c) The proposals do not recognise the impact of the works on sensitive nature conservation interests on the Site of Special Scientific Interest/Heritage Coast/Area of Outstanding Natural Beauty.
- (d) The proposals need to indicate the timing of the work and ecological effects.
- (e) Consideration needs to be given to the effects of introducing material from the range into the works at Oldstairs Bay.

The Council should circulate the necessary information to enable concerned parties to consider the impact of the proposed works.

A further letter expresses the hopes that the rubble will be removed so that the seashore is not unusable, but not transported away through the village.

f) The Site and the Proposal

The site lies at the foot of the cliffs off Undercliffe Road and comprises the site of the now disused Royal Marines Rifle Range and its protective sea wall.

The submission is in the form of a notification by the Ministry of Defence under DOE Circular 18/84 of their proposal to remove the existing wall and to reprofile the beach to return to its original form as the rest of the foot of the cliffs to the south. The District Council's role is therefore limited to that of consultee, and it does not determine the proposal. A lengthy supporting document makes the following points:-

- The site comprises a 650 metre length of coastline. The Ministry of Defence have been in occupation of the site since at least 1872 and have used it primarily for small arms fire. Firing at the ranges ceased in 1989/1990 and the Range closed in 1992. The area of retained land at the foot of the chalk cliffs is protected by a mass concrete gravity retaining wall built in the 1930's and 1960's. Some of the retained material is bonded asbestos and is in danger of being released and dispensed by the sea.
- Lowering of the foreshore in front of the wall since that time has led to greater water depths against the wall and consequently greater wave impact and overtopping. These impacts have led to a more rapid deterioration of the wall and hinterland. Sections of the sea wall are in a particularly advanced state of deterioration and considered a health and safety liability.

- Some of the material arising from the sea wall may be used in construction of the works to Oldstairs Bay proposed by Dover District Council; otherwise the material will be removed from the site. The redundant mass concrete structures from the former range targets which at present are scattered about the foreshore seaward of the sea wall toe are to be broken up and disposed of off site. Any general building waste is to be removed off site to an appropriate location.
- The existing rock revetment at the northern end of the site (built in 1987/1988) is to be collected from its present location and transported to a new location and structure to be designed by Dover District Council to tie in with the existing scheme for Oldstairs Bay, referred to elsewhere in this report. It is anticipated that this will comprise a tapered wedge to protect the southern end of Oldstairs Bay.
- It is likely that the material will be removed from the site in 20 tonne vehicles. The sea wall is likely to be broken up by 360° hydraulic excavators with breaker attachments. If the wall is found to contain significant quantities of reinforcement, it may be necessary to employ hand tools for cutting. The upper section of wall may be detached from the lower section and it is likely that this will be manoeuvred landwards initially. The lower section will then be broken up in parallel with lowering of the retained material. Waste material will be transported along and off the site using either road wagons or dumper trucks.
- The reprofiling work will be carried out by either a 360° excavator with a grab attachment. A dumper may be used for transportation of the material to its new location. The likely hours of working will be from 7.00 a.m. to 10.00 p.m., but may be adjusted outside these hours to take advantage of tidal conditions, weekend working may also be necessary to achieve the required programme and to take advantage of tidal conditions. Plans will be displayed.

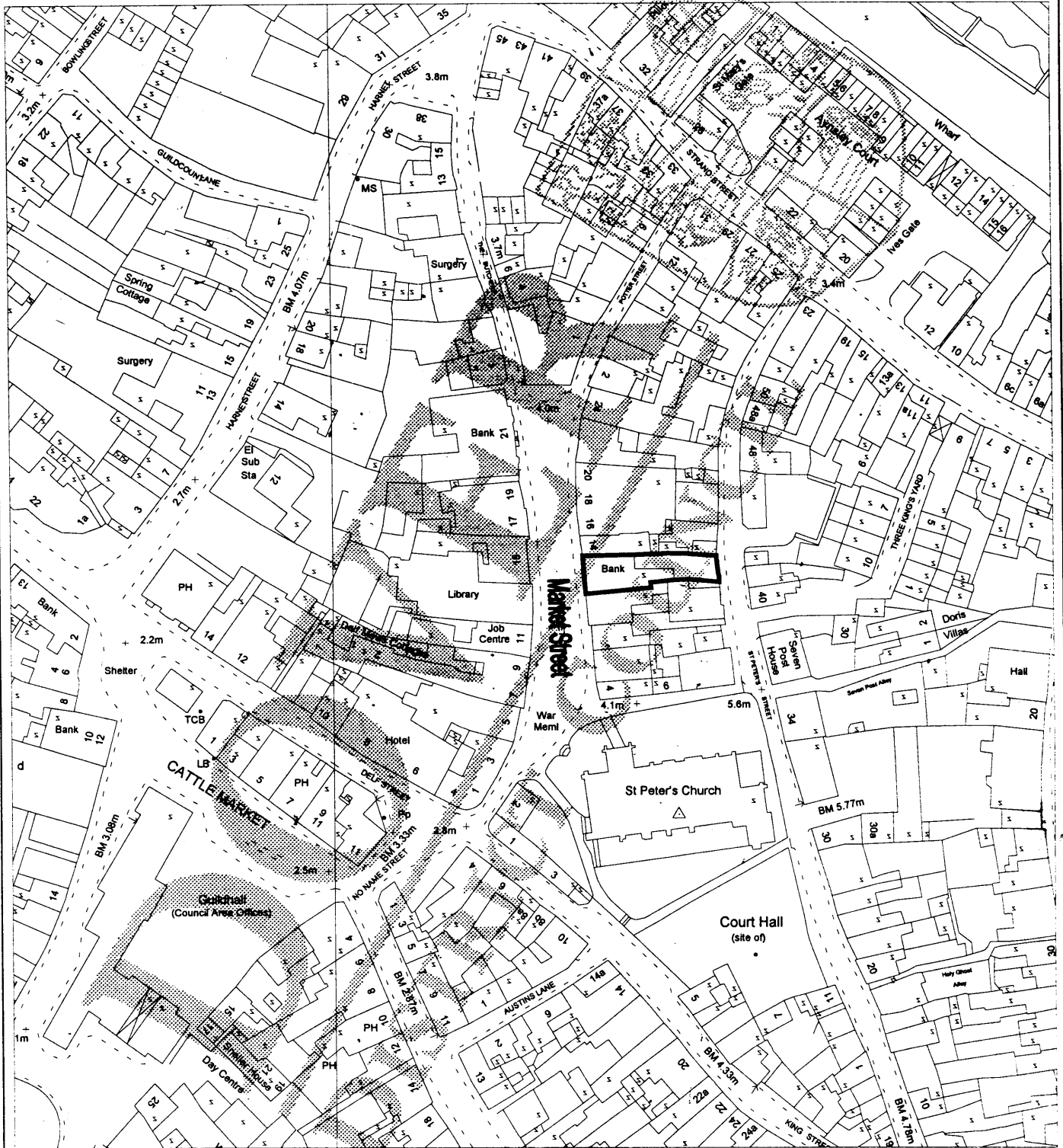
An Environment Impact Assessment Screening Study has also been prepared which fails to address any of the major issues.. Both it and the supporting statement are available for inspection.

Policy Context

The relevant policies are listed at c) above and reflect similar policy concerns to those set out in connection with DOV/00/777 elsewhere on this agenda. However, in this case, the site adjoins the Area of Outstanding Natural Beauty and is also within the Special Landscape Area and Heritage Coast. Thus in addition to the policy thrust in the Kent Structure Plan in general terms protection will be given to the countryside landscape and nature conservation interests, policy regarding the Heritage Coast seeks to retain its character and avoid development that would detract from this area.

Dover District Local Plan Policy CO5 makes similar provisos to the policies of the Structure Plan. A modification endorsed by the Inspector and currently out to consultation advises development will not be permitted. *"If it would adversely affect the scenic beauty, heritage or nature conservation value of a Heritage Coast..."* Policy WE10 provides that coastal defence works will only

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Scale: 1/1250

Application: DOV/00/1069
Sandwich

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31. a) DOV/00/1069 TR 330 : 582
- b) **Installation of satellite dish, 12 Market Street, Sandwich.**
- c) Kent Structure Plan : Policy ENV17
Dover District Local Plan : Policies HE1 and HE3
- d) No relevant history.
- e) T.C.: No objections.

P.R.: One letter requesting refusal of the proposal on the following grounds:-

- (i) The property is in the heart of the town's conservation area;
 - (ii) Granting permission for a satellite dish will set a precedent for others; consequently the architectural beauty of Sandwich's roof-scapes will be spoilt, however "discreetly" the dishes were fitted;
 - (iii) When a person considers the many benefits associated with living within the conservation area of Sandwich, they should also consider the various planning restrictions that will apply;
 - (iv) The erosion of planning standards within the conservation area is already a concern to many residents as well as to the objector.
- f) The Site and the Proposal

The application site lies to the rear of 12 Market Street and fronts St. Peter's Street, in the Sandwich Walled Town Conservation Area. The property is occupied by Lloyds Bank and its associated office accommodation; it is not a listed building.

The application seeks planning permission to locate a 900mm diameter satellite dish below the height of the boundary walls and fixed to the side wall of the rear yard to the bank.

Policy Context

The relevant policies are identified at c) above. Policy ENV17 of the approved Kent Structure Plan and Policies HE1 and HE3 of the emerging Local Plan identify that proposals within conservation areas should preserve and where possible enhance the character of such areas.

Assessment

The principal planning consideration in this case is whether the proposal would be detrimental to the character and appearance of the conservation area and thereby contrary to policy considerations.

The location of the proposed satellite dish is such that it would not be visible above the existing boundary walls of the property in the surrounding streets and as such would have no detrimental impact on the special character of the conservation area. It is not considered that the granting of planning permission in this case will set a precedent for the acceptance of other

satellite dishes within the conservation area as the objector suggests. With regard to point (iv) of the PR section above, it is not the case that planning standards are being eroded, particularly bearing in mind the Article 4 (2) Direction which covers the whole of the Sandwich Walled Town Conservation Area and which controls works which would normally not be covered by the planning process.

It is recognised that the granting of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under the same Articles. It is considered that the concerns identified in this report and which are material planning considerations can be satisfied by the granting of planning permission and that such a decision would be in the public interest.

- g) I Subject to no further third party representations raising fresh issues within the advertisement period PERMISSION BE GIVEN SUBJECT TO:- (i) DP01; (ii) The dish shall not be installed until details showing its precise location have been submitted to and approved in writing by the Local Planning Authority. Its installation shall be carried out in accordance with the approved details.

II I07, I13I.

be granted if (i) the threat of coastal erosion is not increased and (ii) there is no harmful interruption of the process of transport and deposition. There are various publications which are relevant to consider:- the 'Biodiversity: The UK Steering Group Report Volume 2: Action Plans'; the 'Kent Biodiversity Action Plan', the draft of which was endorsed by Planning Committee on 28 April 1997; the 'Environmental Capital of the Chalk Coast of Kent' - published by Chalk Coast Communities Project Steering Group, April 2000; Deal to Kingsdown Coast Defences Coastal Strategy 2000-2005, Strategy Report, Consultation Draft June 2000; 'Oldstairs Bay, Kingsdown Coastal Protection Draft Engineers Report' June 2000, also a report prepared for the MOD by Mouchel in April 1999 for Kingsdown Rifle Ranges Coastal Defences Strategy Plan.

Assessment

In considering this scheme, the Committee will be aware of the proposals for Oldstairs Bay under reference DOV/00/777 considered and approved at the meeting on 7 September 2000 item 267(31) and that this is a consultation rather than a matter for the Council to determine. The principal planning considerations are very similar to DOV/00/777 in that they are whether the proposals are acceptable in policy terms, safeguard the sensitive nature of the area and are appropriately designed. In this case, there is the added dimension of the importance of landscape issues reflected in SLA designation and the Heritage Coast designation where the thrust is to protect the natural beauty of the Cliffs. Both would presume in favour of the removal of manmade features where appropriate.

The Committee will be aware that the overall responsibility for the coast rests with MAFF which has grant making powers for schemes assessed on a cost benefit basis. It works with local authorities which have powers but not duties in respect of coast protection works. Together they produced a Shoreline Management Plan in August 1996 for which the relevant cell covers the stretch between the Isle of Grain and Dover Harbour. This indicates that the preferred strategy is to protect the existing coast from Deal through to the disused military ranges at Kingsdown where managed failure would allow a return to the natural coastline subject to defining a transition zone. Within the cell, management plans are produced for specific parts of the coastline. In this case, it is the Deal to Kingsdown Coast Defences Coastal Study 2000 - 2005 (June 2000) which is currently out to consultation - public meetings having been held in Deal to Kingsdown in July 2000. This document is unlikely to come to the Council for formal approval until around the turn of the year. However with regard to the relevant area (3C) in an assessment of urgency of capital works at P.76 it says:-

"The need for a defence works to prevent scour at Kingsdown seawall and further shoreline erosion at Oldstairs Bay are (sic) paramount. This requires some intervention and construction works probably within the coming months." Under these circumstances, it was suggested that it would be inappropriate to await formal adoption of the Study before commencing works and hence permission was given in respect of DOV/00/777.

The Shoreline Management Plan indicates a return to the natural coastline but with an undefined zone of transition where it adjoins Oldstairs Bay. The relevant part of the consultative Deal-Kingsdown Coast Defences Coastal Study 2000 - 2005 indicates "the future management of the MOD site is likely

to affect coastal hydrodynamics of a wider area. The wall itself warrants particular attention in its own right" and, under Urgency of Capital works, "although the wall is in poor condition any actions to actively remove the existing wall require more thorough investigation". It is expected that the consultants will report back in the autumn.

The Committee may wish to note that the Kent Biodiversity Action Plan has no direct guidance for Oldstairs Bay but set a target to remove the Royal Marines Rifle Range within 10 years.

Additional Information

This proposal was originally considered at the meeting of 7 September 2000 (item 267(36)) and the decision was taken to raise a holding objection to the proposal and further information sought to better understand the scheme.

The information submitted with the consultation proposals is not considered to fulfil those requirements - there is believed to be insufficient information about the wider impacts on the marine and coastal environment and there is no attempt to define a zone of transition from a natural coastline to Oldstairs Bay. It would be unsatisfactory to respond to the consultation without an understanding of these matters, especially in light of many of the issues raised in the P.R. section.

The information now provided by the consultants for the MOD seeks to further justify the scheme; however this does not adequately address three particular issues, these being:

- the process by which material will redistribute after removal of the sea wall;
- the impact of exposing the toe of the chalk cliff and its likely response;
- the performance of the transition structure under typical wave conditions.

It may well be that these matters can be addressed satisfactorily, but to date no specific work has been commissioned and it is understood, is unlikely to be commissioned by the MOD at the present time. It may be that the engineering approach to this is based on sound professional judgement. However, the Committee has not been provided with the necessary demonstration through underpinning research, and is in effect being asked to make a 'leap of faith'. Even though the natural degradation of the sea wall by natural forces may eventually lead to similar consequences, the direct management of the process must be backed up by research material.

Most of the recognised bodies concerned with the environmental management of the Heritage Coast, and as reflected in the Kent Biodiversity Action Plan, accept the principle of removing this manmade feature to restore a natural coastline. It is pertinent that the rifle range was never designed as coastal protection and the MOD has no responsibility for coastal defence, nor does the District Council. The natural processes leading to the characteristic habitat of chalk cliff and wave cut platform do involve erosion both by undercutting from the sea and by water penetration/frost action through the

cliff-top. MAFF assesses the viability of coastal defence schemes for grant on a cost benefit basis. The Oldstairs Bay scheme achieved the necessary score on the back of the potential impacts on the road and sewer system serving 1250 dwellings.

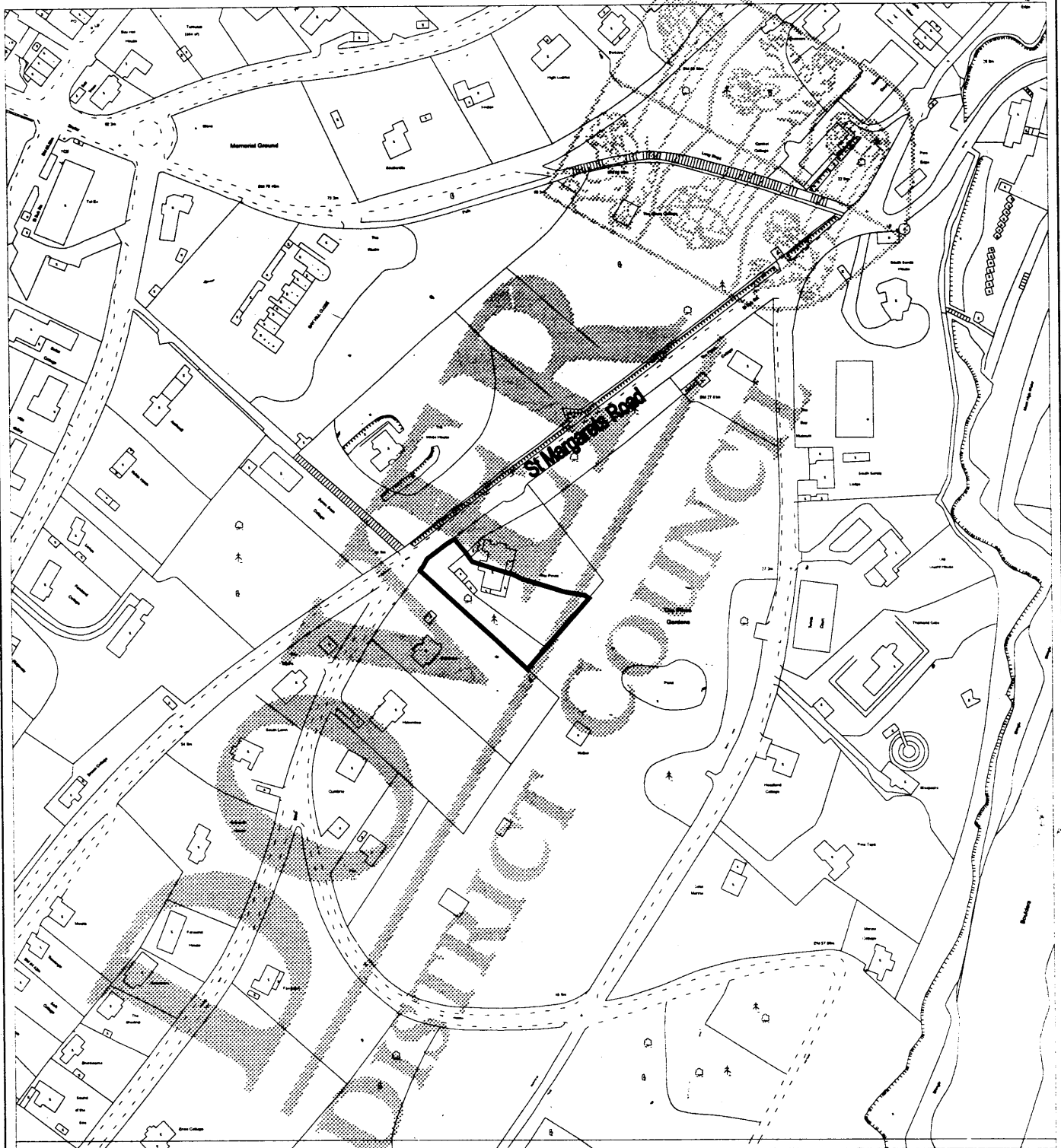
Whilst it will be unpalatable to many of the objectors, in occupying a property on the cliff-top, they are placing themselves at risk from the forces of nature and, in this situation, there is no obligation on MAFF, the MOD or the District Council to intervene to protect their property. It was hoped that the additional information to be provided by the MOD's consultants would identify the rate of erosion of the cliff to enable adequate assessment on the risk to properties on the cliff-top, however, this information has not been forthcoming sufficient to enable a sound judgement to be made by the District Council either as Local Planning Authority or in its more wider role as a Coast Protection Authority.

On the basis of the information now received the only recommendation can be to raise objection to the scheme on the basis that albeit feasible the proposal is not backed by adequate evidence to enable the Committee to reach a view on the desirability of the proposal to remove the wall.

In preparing this report and making the recommendation set out hereunder, careful consideration has been given to the implications of the Human Right Act 1998. It is recognised that the withholding of support for the proposal may result in the interference with the applicant's right to the peaceful enjoyment of possessions under Article 1 of the First Protocol. This has to be balanced with the interference with the rights of third parties under the same Article and Articles 6 and 2 of this Act. It is considered that the concerns identified in this report, which are important material planning considerations cannot be demonstrated to be satisfied by the acceptance of the scheme, and that such a recommendation is made, accordingly in the public interest.

- g) I That OBJECTION BE RAISED to the proposal on the grounds that insufficient information has been submitted to justify the scheme put forward.
- II That all third parties/consultees be notified of the decision.

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Scale: 1/2500

Application: DOV/00/851
St Margarets at Cliffe

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10. a) DOV/00/0851 TR365 : 442
- b) **Reinstatement of rooms in roof space and new entrance porch, The Pines, St. Margarets Road, St. Margarets Bay**
- c) Kent Structure Plan : Policies RS1, RS5, ENV3, ENV4, ENV9, ENV15 and ENV17
- Dover District Local Plan : Policies C02, C03, C05, DD1 and HE1
- d) CH/6/65/234 - Rebuilding after fire damage as two self-contained units - Approved.
- e) P.C.: Recommended for approval (two Parish Councillors were concerned that the proposed roof structure was too prominent and should be more in keeping with the adjacent bungalow).

P.R.: One letter has been received objecting on the grounds that the proposed windows/doors and balcony protruding from the roof space:

- do not blend in with the adjoining property;
 - are disproportionate where viewing the property and its neighbour;
 - are overpowering in their context and effect;
 - would spoil the character of the property, the neighbouring property and the conservation area.
- f) The application, for which the plans will be on display, relates to the construction of a dormer window and balcony and porch at this semi-detached property. The dormer is quite large, with a pitched roof and is of a unique design. The property is within the Conservation Area.

The history of the property is of relevance to the proposal. It would appear that the existing pair were originally a single house which suffered a serious fire destroying the roof. In 1965 a planning application was submitted to rebuild using the remaining walls, but to create two dwellings. One of the dwellings utilised the roof space and incorporated a small flat roofed dormer window. The other was a bungalow and is the present application site.

It is understood that the present proposal would be in accord with the original dwelling, but would contrast dramatically with the adjoining smaller dormer window, and the third party representations in this regard will be noted.

The material planning consideration is the wider impact on the Conservation Area, and the normal test of such a proposal is whether it would preserve or enhance the character. It is considered that the location generally precludes public views and that there would be no adverse impact on the Conservation Area. The new dormer window and porch will be in keeping with the style of the building, although as stated above, will be significantly different from the adjoining dormer.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights 1998. This has to be balanced with the applicant's rights under the same Articles. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

g) I PERMISSION BE GIVEN subject to:- (i) DP01; (ii) MA01.

II I07.

III I13.

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Scale: 1/2500

Application: DOV/00/869
Kingsdown

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11. a) DOV/00/869 TR 370 : 499
- b) **Works to one Holly and one Sycamore Tree, 23 Blake Close, Walmer.**
- c) Tree Preservation Order No. 1, 1965.
- d) None.
- e) P.C.: No objection to the proposals.

P.R.: One letter of objection has been received, concerning the extent of the works proposed. Following the recent removal of a Blue Cedar from the front of the applicant's house, the objector fears that the trees subject to this application could suffer similarly, with the back garden opened up leading to overlooking. No objections are raised to making the trees safe, but if permission is granted "We may end up with no trees whatsoever".

- f) The proposals are for raising the crowns of both trees to reduce shading in the garden. Additionally, it is proposed to thin the crown of the Sycamore to reduce shading still further.

The proposals have been subject to discussions and the extent of the works, while not specified, can be controlled by a condition.

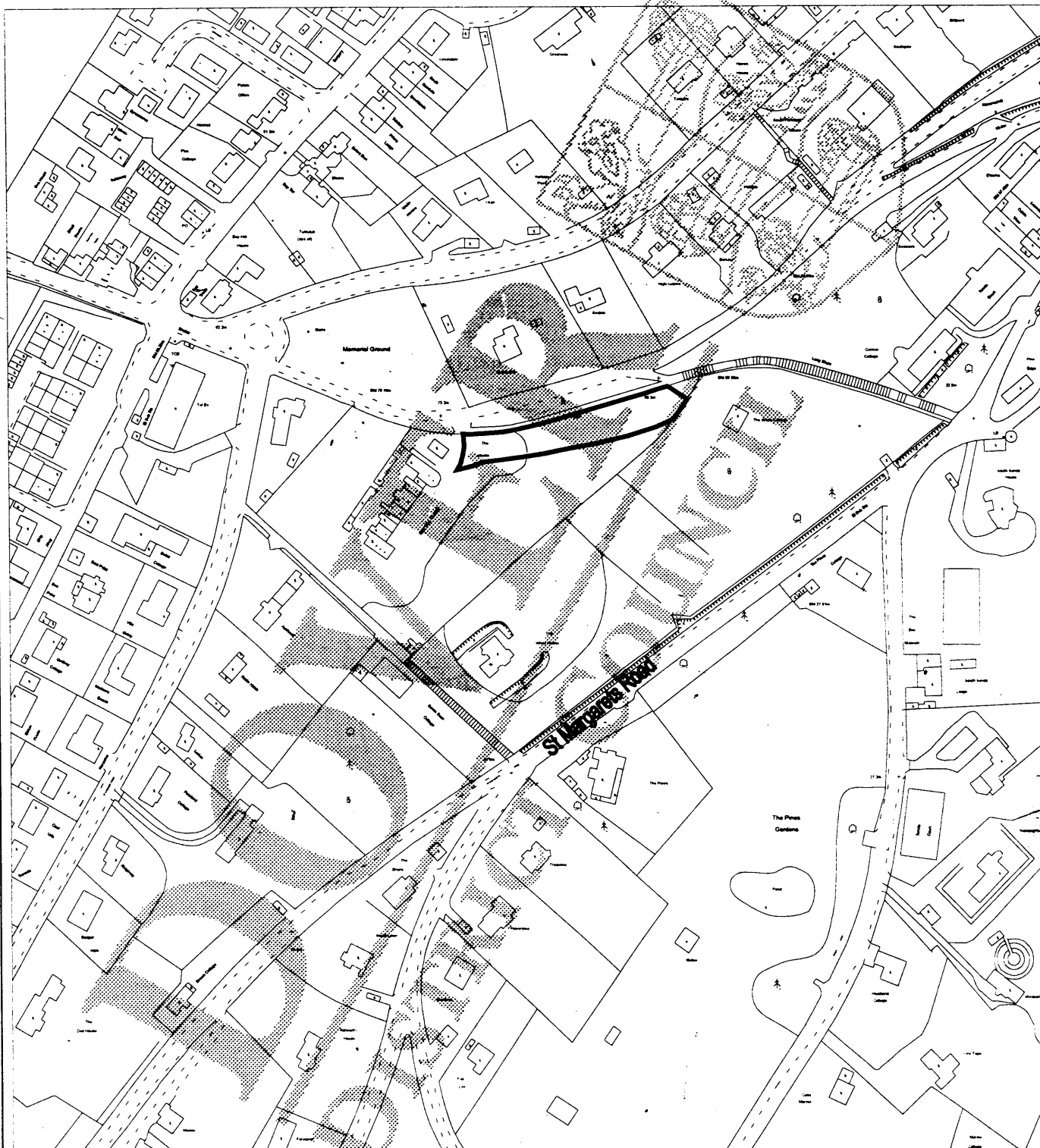
The Blue Cedar referred to by the objectors was not subject to any Tree Preservation Order.

It is recognised that the grant of permission subject to a condition may result in an interference with the rights of the applicants and the neighbour as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, it is considered that this recommendation is justified to protect the rights and freedoms of others and in the public interest. It does not place a disproportionate burden on any party and would not constitute a violation of their human rights.

- g) I PERMISSION BE GRANTED SUBJECT TO the detail of the works being agreed with and supervised by the Local Planning Authority.

II 107.

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Scale: 1/2500

Application: DOV/00/878
St Margarets at Cliffe

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12. a) DOV/00/0878 TR 364 : 443
- b) **Renewal of planning permission (DOV/94/547) - construction of vehicular access and parking area, Steps Cottage, Bay Hill, St. Margaret's Bay.**
- c) Kent Structure Plan : Policies ENV15, ENV17 and ENV19
Dover District Local Plan : Policies DD1, HE1 and HE3
- d) DOV/94/0547 - Construction of a vehicular access and parking area for Steps Cottage - Approved.
- e) Highways Comments: No objection subject to conditions.

P.C.: No objection.

P.R.: Seven letters of objection have been received from local residents raising the following points:-

- The access will encourage greater traffic into the close (already used by 17 cars as well as visitors and tourists and drivers turning their vehicles). This could bring increased danger to local residents several of whom have young children: this situation already causes anxiety to parents;
- The entrance to Bay Hill Close is already hazardous due to the amount of traffic on Bay Hill, including caravans. Another road converging at the entrance would be unacceptable;
- The intention of having a path and steps located between two roads would be very confusing to pedestrians and could be hazardous;
- It would encourage the public to park on the road during the summer season when there is no parking available at the bay;
- The proposal would damage the setting and ambience of the close serving Coastguard Cottages. This is a Grade II listed building within the conservation area;
- There is a badger sett that would be affected by the development. Endangered species of orchids and other wild flowers including bluebells, primroses and cornflowers would be affected;
- Steps Cottage already has ample parking for two cars at the bottom of its garden;
- The proposal would necessitate felling trees at the bottom end of the site - destroying some of the natural beauty of St. Margarets;
- It is questioned whether the need to provide vehicular access justifies the environmental harm caused. It is suggested that Steps Cottage (which is owned by St. Margaret's Bay Trust) should be let to an occupant that appreciates its secluded position - without having to spoil the area with additional traffic pollution. The occupants of Steps

Cottage currently park their vehicles in the car park designated for Coastguard Cottages, which seems not to cause a problem, although it does increase the congestion.

- f) The application seeks to renew planning approval granted in September 1995 which expired in September 2000. The previous application was reported to Committee (Item 7, 7 September 1995) and as a resume, the following extracts are useful to consider:-

"Steps Cottage is a detached house situated in a large plot on steeply sloping ground between Bay Hill and St. Margaret's Road. It is currently served only by a pedestrian access and there is no provision for on-site parking facilities. The former Coastguard Cottages (Grade II listed buildings) are situated further up Bay Hill to the west and have been converted to residential flats. Both sites are within the St. Margaret's Bay Conservation Area.

Permission is sought to construct a driveway through the grounds of the Coastguard Cottages from the entrance onto Bay Hill to a parking and turning area to serve Steps Cottage in the north eastern corner of the site, amongst a copse of existing Sycamores. The driveway, which would have a resin bonded gravel surface, would run across an area of natural chalk grassland adjacent to a public footpath which is separated and screened from Bay Hill by an existing belt of bushes and trees.

The proposal represents the culmination of long running attempts by the owners and applicants, the St. Margaret's Bay Trust, to secure vehicular access to Steps Cottage. Earlier attempts to achieve this directly from Bay Hill were unsuccessful due to a combination of a number of factors, including initial difficulties over land ownership, gradient of the access and the need to balance visual and environmental requirements against the need to provide lengthy sight lines involving the loss of a significant amount of tree and shrub cover on the Bay Hill frontage. This was compounded by the fact that in an unrelated appeal which was dismissed for the construction of a new house and vehicular access further down Bay Hill the DOE Inspector made specific reference to the attractive rural character of Bay Hill which, he felt, would be seriously adversely affected by the loss of tree cover involved in the creation of a new vehicular access to serve the property. As a result, the problem was revisited in conjunction with your officers and it was concluded, without prejudice, that the only reasonable way of achieving access to Steps Cottage would be via the existing vehicular access to the adjacent Coastguard Cottages."

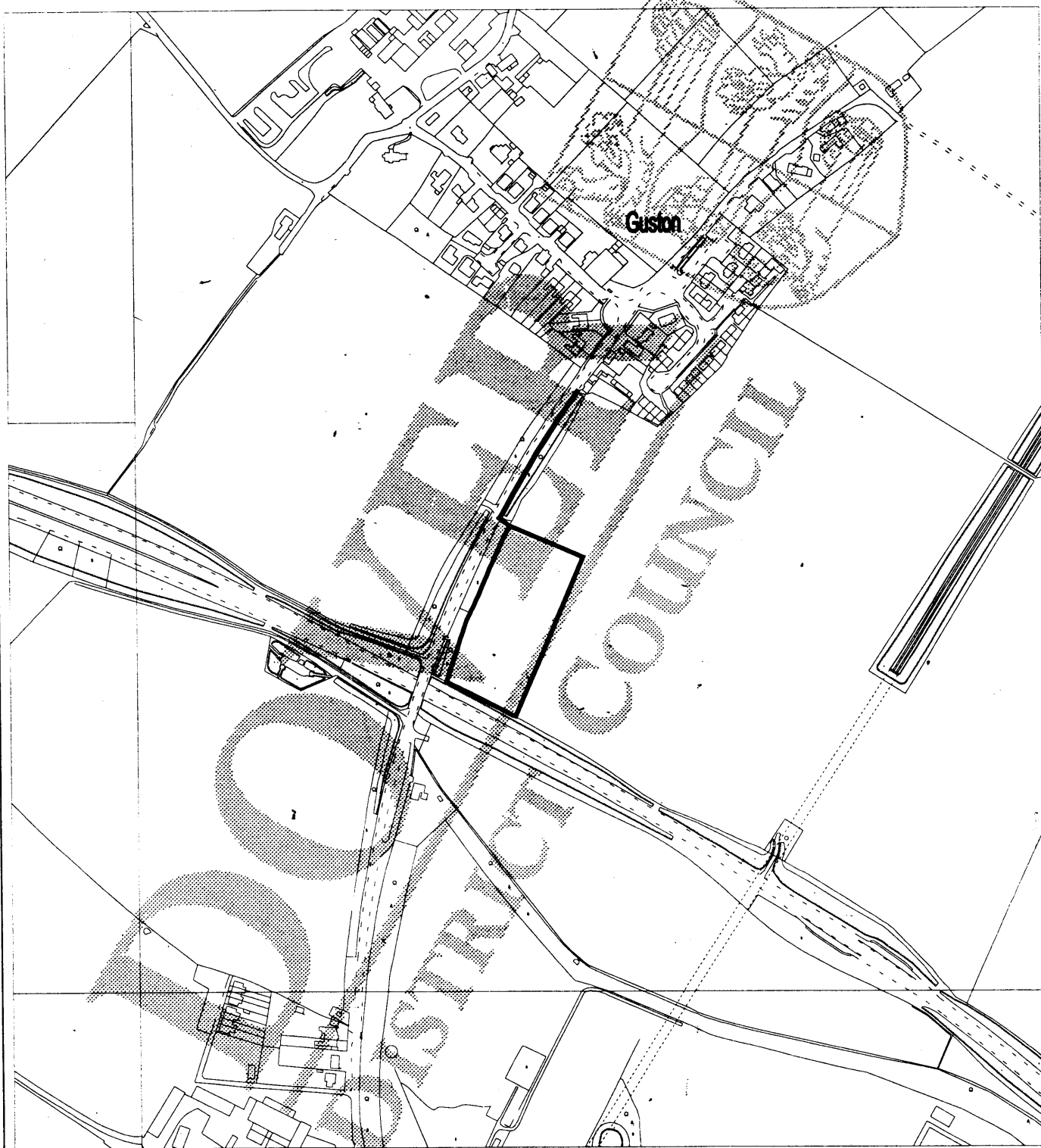
Since that approval, the Dover District Local Plan has been published and its policies need to be considered. The emphasis in the plan on sustainable development perhaps justifies a review of the previous decision. In addition, it is understood that at the time of permission being given, a relevant consideration was the need to secure a long term future for Steps Cottage. Whether this objective still applies needs to be balanced with the new policy approach. This perhaps justifies further information being sought from the applicant over and above that considered in 1995.

Notwithstanding, it will be noted that no objection is raised to the proposal highways terms, this being one of the points of concern to local residents.

Until an opportunity has been given to consider the proposal in the light of the above issues however it is recommended that consideration be deferred.

g) I CONSIDERATION BE DEFERRED.

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Scale: 1/5000

Application: DOV/00/880
Guston

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N

13. a) DOV/00/0880 TR322 : 442
- b) **Use of land as a village play area and construction of footway access, land at Dover Road, Guston.**
- c) Kent Structure Plan : Policies ENV1, ENV4, SR2 and SR3,
Dover and Western Parishes Local Plan : Policies NE2 and RE9
Dover District Local Plan : Policies OS6, CO1 and CO3
- d) None
- e) Highways Comments: No objections subject to the access being restricted to use for maintenance vehicles/plant only, and it would be desirable if the new footway were a combined footway/cycle way.

P.C.: The application is considered to be socially essential for the village. An inordinate amount of time has been spent trying to provide a facelift. Supports the application 100% and is not aware of any local opposition. It should not impact on the landscape in view of the existing hedgerow and proposed planting.

F.D.W.S.: No comments received.

S.W.S.: No comments.

Access Officer: Gates should be at least 800 mm clear opening .

P. R.: Two letters have been received from one individual who acknowledges the need for a play area but objects on the grounds of:-

- Location away from the village;
- Boundary close to A2 and a danger to children;
- Residents of Prescott Close (where the majority of children live) should not complain if the play area were proposed instead next to them;
- Alternative locations exist.

- f) The application by the Parish Council is the result of having discussions with officers to identify an appropriate site for a village play area.

The site, as shown on the appended plan, measures in total some 150 m x 70 m of which the play area would be 100 m x 60 m with the remainder planted with trees and shrubs to form a visual screen and windbreak.

It is intended to extend the footpath some 130 m to link the access to the existing footway network.

The site lies within the Special Landscape Area and careful consideration needs to be given to the balance between the countryside protection policies and those policies allowing the provision of such facilities.

The Parish Council has submitted a supporting statement, which is appended and addresses the questions and issues of need, site search and selection and details of the proposal.

The third party representations are partly overcome by the planted barrier between the useable area and the A2, and the other issues have been addressed through the process of site selection.

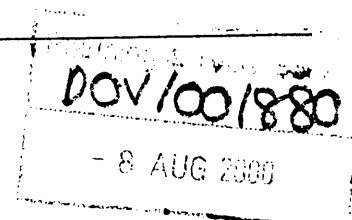
The proposal meets the criteria set out in policy OS6 of the Dover District Local Plan and the case put forward does demonstrate a social need for the development enabling countryside policies to be set aside in this instance.

Detailed consideration needs to be given to the exact nature of fencing and planting in order to minimise the visual impact and this can be accommodated by appropriate conditions.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicant under the same Article. It is not considered that any issues identified in this report are such as to override the conclusion that planning permission may be granted. The recommendation is made in the public interest.

- g) I PERMISSION BE GIVEN subject to conditions to be delegated to the Director of Planning and Technical Services.
- II IO7.
- III The applicant BE REQUESTED to give consideration to incorporating a cycle way into the proposed footway.

SUPPORTING INFORMATION TO PLANNING APPLICATION FOR PLAY AREA



BACKGROUND

There is strong pressure from many residents to provide an area for children to kick a football in safety. Over the years we have experienced traffic accidents and many residents have called the Police to deal with situations where children have been playing ball games in unsuitable/unsafe locations.

For a number of years, Guston Parish Council have looked to provide facilities for the youth of the village and after numerous abortive searches are now asking Dover District Council to favourably consider this application having identified the most suitable site and successfully negotiated the opportunity to purchase.

IDENTIFYING NEED

There has been a perceived lack of playspace for the last twenty years. The village has grown, with new development and more families with children. Over the years the situation has become progressively worse, and the provision of family homes with no leisure facilities for older children has increased the need for a solution. In fact, the DDC development at Chance Meadow contributed the biggest increase to the population of the village. The only existing play facility is a small area fronting Chance Meadow, restricted to children under the age of twelve and ball games are prohibited. The only alternative is beyond reasonable walking distance and too far removed from the bulk of villagers (The Danes). Access is by a narrow lane with no footpath or lighting.

What is happening at the moment because there is nowhere for them to go, the children are using an extremely dangerous area which slopes into The Lane where there is no footpath, so any accident means children would land up in the road. The children have and continue to, create a nuisance, severely affecting the quality of life for afflicted residents, leading to conflict and local police involvement. Frustration and anger has surfaced in many quarters, not least, in the children themselves, who feel betrayed by the lack of progress.

VILLAGE SUPPORT

The proposal for a play area suitable for the older children of the village has unanimous village support and with an ever changing population in the village, we envisage the number of children at present using the facility is likely to be in the region of 40. We have conducted a survey of local residents and have a Petition which supports the principle of a Play area and its proposed location plus the local Farmer is prepared to sell the Land to the Parish Council for a price to be agreed.

SEARCH FOR SOLUTIONS

As you are aware from previous correspondence the Parish Council has examined many areas in the past for a Play area but these could not be pursued because either the land was not for sale or the residents

SUPPORTING INFORMATION TO PLANNING APPLICATION FOR PLAY AREA

objected to the locations. It is important to recognise that Guston is a village which is divided by the A2 By-pass and has residences on both sides of A2 with children.

We have at last managed to identify a suitable site which is easily accessible from both halves of the village and is visible from the rear ground floor windows of the houses in Prescott Close and is therefore secure from the point of view of being under observation by adults. Nine other sites and the curtilage of the village hall have been considered and evaluated in recent years. These sites have proved to be unsuitable because of access, local objections, or non-availability.

THE PROPOSAL

The site in question is outlined red on the enclosed map/plan.

The intention is to provide a grassed area for ball games and a modest seating/gathering area (rather like a teen zone), something low key and minimal cost. The size will be in the region of two acres. There is no intention to provide floodlighting or vehicular access (except for maintenance purposes). The proposed area has the following attributes which render it to be an ideal solution:

- ▶ location is central to Chance Meadow and St Martins area
- ▶ it is of reasonable walking distance for all to access
- ▶ near enough yet also far enough away to eliminate/minimise adverse effect on local residents and prevent nuisance
- ▶ access is envisaged by extension of the footway to the existing entrance of the field (advice & quotation from DDC has been obtained)
- ▶ there is existing natural screening (but advice is sought for suitable planting and fencing)

The attached marked up Map/Plan shows the proposed grass area for playing football enclosed by a three metre fence on four sides. We believe that the existing Trees and Hedgerows on the Dover Road leading into Guston would shield one side of the fence. It is proposed that we plant trees and shrubs on the other two sides which would provide a windbreak and visually screen the fence. We believe that the site would be suitable without the need for earthworks. Obviously we would welcome advice on the type of planting and the size of the area which we have indicated for both planting and playing.

On the outside of the planted area we have proposed a normal one and a quarter metre three wire farm type fence to enclose the whole area. Again, we would welcome advice on suitability etc.

We have suggested a "Kissing Gate" entrance to the Kick-about area. This should stop children taking and riding bicycles in the area. We have allowed a paddock area outside for bicycles to be left. We may want to provide posts to lock bicycles to. We have also shown three metre gates which would be used to obtain access to cut the grass with a Gang Mower. We do not propose a vehicular access, the construction of buildings or parking within the proposed area. Again we would welcome advice.

SUPPORTING INFORMATION TO PLANNING APPLICATION FOR PLAY AREA

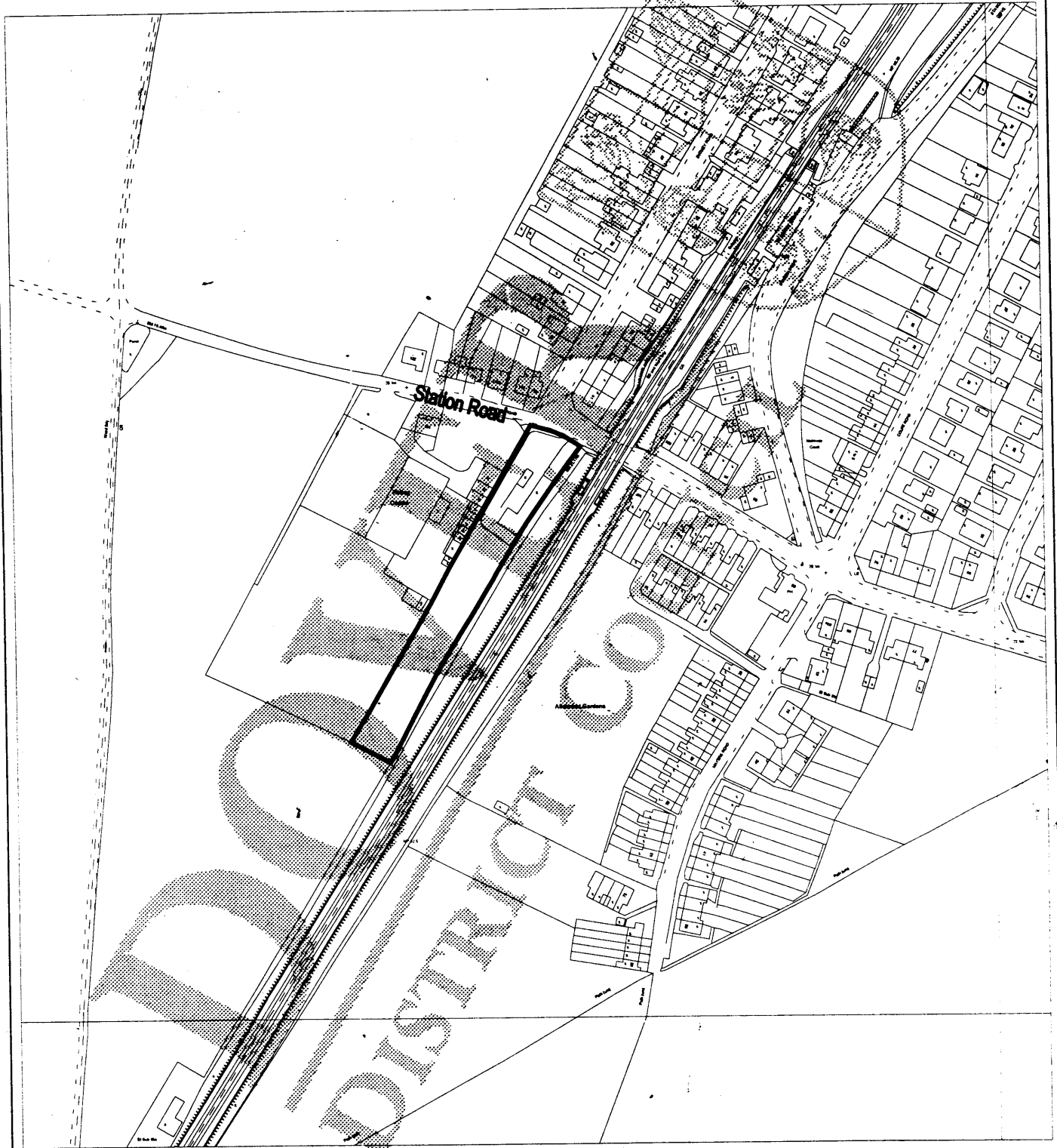
The main entrance to the site would be via a gate adjacent to the existing field entrance. We would further propose that the grass verge which leads from Chance Cottage up to the existing field entrance be made into a proper Footpath and that the erection of bollards to protect children and prevent cars parking be erected. It would also be necessary to display a warning sign indicating a Childrens Play Area as this is a flat piece of ground and would give cars the opportunity to slow down before descending the hill.

CONCLUSION

The Parish Council is passionate about resolving this issue having seen the village expand and the problems lack of leisure space has wrought. Having exhausted all other possibilities and finally, as a result of delicate negotiation obtained agreement in principle to sell from the local landowner, enjoying support of Ward District Councillors for the project, the Parish Council urge the Planning Authority to support this proposal.

Councillors welcome suggestions and advice that will facilitate acceptance of this site. Based on wholehearted village support, we ask that favourable consideration be given to this project.

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Scale: 1/2500

Application: DOV/00/892
Walmer

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N

14. a) DOV/00/0892 TR 362 : 501
- b) **Change of use of existing building to builder's workshop/office and residential dwelling and alterations to vehicular access, 109 Station Road, Deal.**
- c) Kent Structure Plan : Policies ED4, RS1, RS4 and RS5
Dover District Local Plan : Policies LE1, HS1, HS5 and DD1
- d) There has been a lengthy planning history, most recently:

DOV/92/0427 - Renewal of planning permission DOV/86/0936 for conversion of workshop to 2 residential units and 2 new residential units - Planning permission granted.

DOV/95/0798 - Alterations and extension to existing garage premises and use of land for car sales - Planning permission granted.

DOV/97/0745 - Renewal of planning permission DOV/92/0427 for proposed conversion of workshop to 2 residential units and 2 new residential units - Refused planning permission - Appeal dismissed.

DOV/99/0292 - Conversion of workshop to single dwelling and alterations to existing vehicular access - Planning permission refused.

- e) Highways Comments: Provided the residential and the office/workshop use are tied together and cannot become independent no objections subject to conditions.

T.C.: No objections.

- f) The Site and the Proposal

The site lies to the south-west of Station Road and to the west of the Deal/Dover railway line immediately below the embankment. The overall size of the site is some 0.3 hectares, extending some 165 metres from Station Road. The railway line runs at a height approximately equivalent to the eaves of the existing two storey building, which was last used as a vehicle repair workshop. The site lies outside but adjacent to the defined Deal Urban Area.

Planning permission is sought for the conversion of the building to a builder's workshop with office and attached dwelling. Minor extensions are proposed to the buildings to enlarge the garage/workshop and provide a porch to the main entrance to the associated dwelling. The plans will be displayed.

The applicant and his agent have provided letters of support for the proposals, which are available for inspection. In summary, they make the following points:

- the applicant has run his business for seven years from his home in Walmer;

- vehicular access to the house is difficult at certain times of day;
- the house has inadequate office space and space for paperwork/secretarial needs;
- the workload has grown considerably and there is a need for workshops for the manufacture of joinery and painting/priming wood. Space is also needed for vans and storage of plant and materials;
- there is the potential at the site to employ an additional person and a full-time office worker;
- the applicant hopes to live on site in view of the expense and work involved in owning two properties; the proposal would reduce travel, which will help sustainability objectives;
- the house will provide security - the applicant would feel unable to run his business from the site if he could not live there.

The applicant also makes reference to the tidying of the site, tree planting and local support since he acquired it in April 2000. The agent acknowledges that the site is outside the urban confines, but feels that this is marginal and that, in view of the character of nearby development, the site can hardly be described as being in open countryside.

Policy Context

The relevant policies are listed at c) above. These policies look towards using buildings outside town and village confines for employment rather than residential use. Government advice contained in PPG7 also makes this presumption. Policy RS5 of the Structure Plan looks to allow the re-use of an existing rural building in keeping with its surroundings where such use is compatible with other policies. Policies HS1 and HS5 are more prohibitive, and seek to prevent housing, whether by means of new build or conversion outside village and urban confines, unless special circumstances are put forward.

Policy LE1 of the emerging Local Plan deals with the local employment situation wherein it is intended that the primary use for buildings currently or lastly in employment use should remain as such. Structure Plan Policy RS1 and Local Plan Policy DD1 deal with general design criteria which should be followed to ensure that a development is in keeping with its surroundings and enhances the locality.

Assessment

The principal planning consideration in this case is whether the proposal is acceptable as a departure from policy and appropriate in its detailed design.

Since the site is in a rural location by definition of being outside the urban confines for Deal, conversion of the building for residential use will be acceptable only if a clear case for residential accommodation as an essential adjunct to the employment facility can be made.

Members will, no doubt, wish to give detailed consideration to the applicant's submissions. His reasons for wishing to relocate and to live on site are understandable. However, his submissions are not considered to make out an essential case for living on site. The workshop use does not require to be in this location, although, in itself, it would be acceptable in policy terms. Much of the case put forward relates to the shortcomings of running the business from the applicant's existing house, rather than specifically identifying overriding reasons for living in the proposed location. There is no evidence that other solutions have been investigated and the submission is not so overriding as to justify an essential or exceptional need to live on this site.

It is also material to consider the planning history of the site. The Committee will note from d) above that the two most recent applications on the site, both involving residential conversions, have been refused, the most recent in July 1999 (item 5 1 July 1999). By reason of its location outside the urban confines of Deal, conversion of the building to residential use is unacceptable in principle. In refusing the earlier application in 1997 (item 17 2 October 1997), the Committee accepted that there had been significant changes in the Development Plan since the 1992 permission. It was also recognised at that time that the buildings are not in keeping with the area's designation as countryside, being of little historic or architectural merit, and that their loss would not be detrimental to the character of the locality. In dismissing the Appeal against the refusal of the 1997 application, the Inspector accepted that, in policy terms, the site is in a rural location and that residential use would be contrary to the objectives of national and local policy, which seek to safeguard the countryside for its own sake.

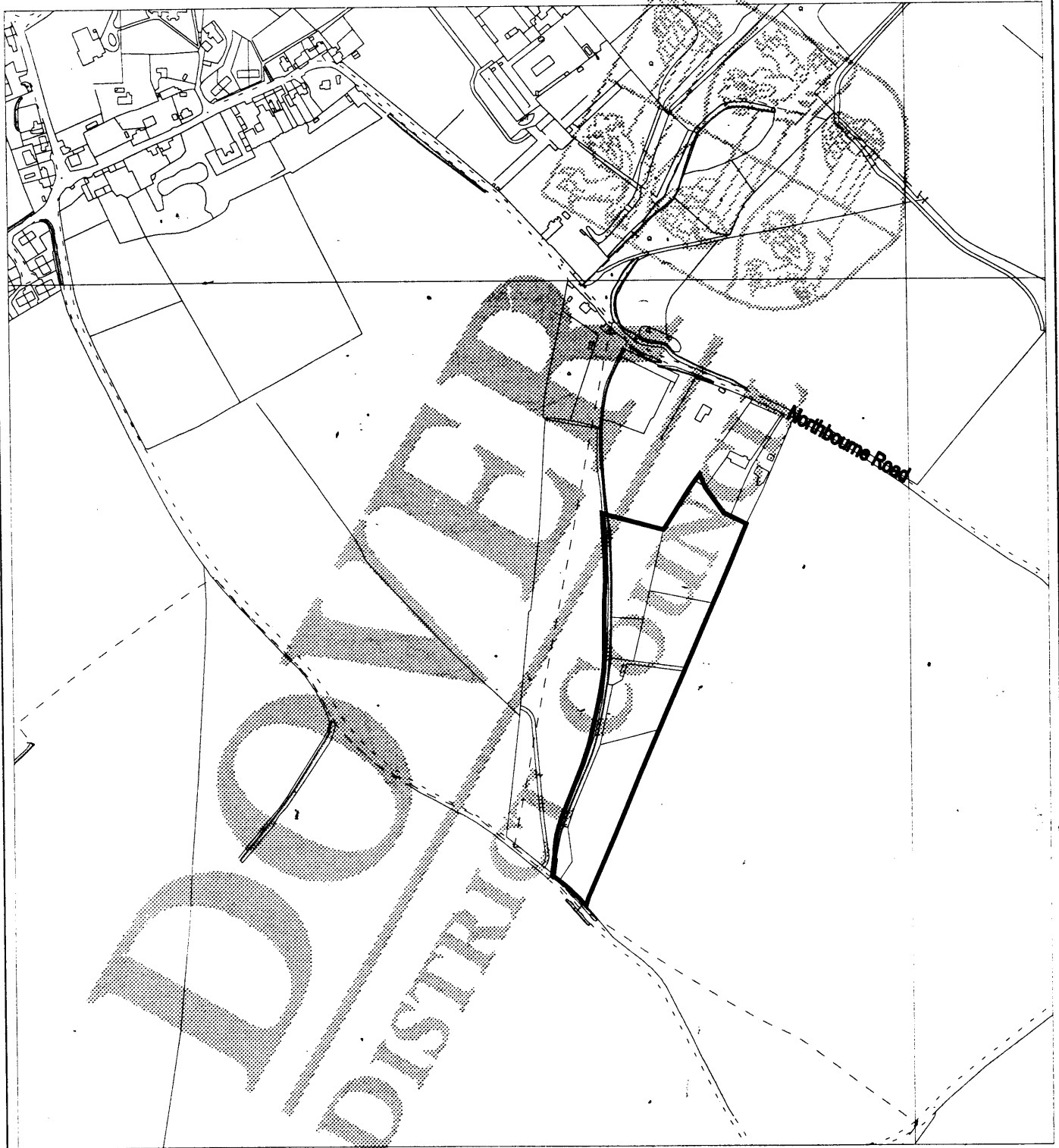
The Committee will note the agent's reference to the relationship of the site to its surroundings. This was a point dealt with by the Inspector in dealing with the 1997 application, when he noted that the relationship of the site to the existing settlement was not a reason to allow a proposal which would not protect and safeguard the countryside. He also acknowledged that, although the appeal site is a developed site and is unlikely to return to open countryside, that did not preclude its acceptable reuse within the terms of policies.

It is recognised that the refusal of planning permission will result in an interference with the rights of the applicant as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The issues relating to the proposed development, as identified above, are important material planning considerations and cannot be overcome by approving the application subject to conditions. The proposal, therefore, is recommended for refusal and it is considered that this recommendation is justified in the public interest. It does not place a disproportionate burden on the applicant and would not constitute a violation of his rights.

- g) I PERMISSION BE REFUSED on the ground the proposal would lead to sporadic residential development outside the urban confines in an area of countryside, contrary in particular to Policies RS5 of the Kent Structure Plan and HS1 and HS5 of the emerging Dover District Local Plan. Furthermore, the proposal would not accord with the provisions of Policy LE1 of the emerging Dover District Local Plan.

II 1131.

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Scale: 1/5000

Application: **DOV/00/893**
Great Mongeham

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15. a) DOV/00/0893 TR3368 : 5145
- b) **The siting of a mobile home and change of use of existing shelter/hay store to grading and packing building for eggs in association with free range eggs business, Bonners Paddock, Bonners Hill, Great Mongeham.**
- c) Kent Structure Plan : Policies ED5, RS1, RS5, ENV1 and ENV4
Dover District Local Plan : Policies HS12, C01 and C03
- d) DOV/94/0947 - Timber field shelter and hay store for horses -
Planning permission granted.
- e) Highways Comments: Refusal recommended on policy grounds.

D. of H. and H.: No observations.

K.C.C. Estates: The question of functional need for attendance on a unit such as this is debatable, particularly as the owners already live quite close and so can attend fairly readily to the routine tasks such as watering, feeding, egg collection, letting out and shutting up at night. The main issue appears to be that of security but the grazing area is well protected with eleven strand electric fencing and at night the birds are shut away in their huts. The one vehicular entrance to the site is through a steep access cut into the bank off the public road that could be made reasonably secure against most unauthorised access attempts. Modern alarm facilities can be linked to a security firm or to an owner's residence. PPG7 does not give particular weight to security as a reason for on-site accommodation even where livestock is involved. Concludes that a functional case for on-site residence has not been demonstrated within the PPG7 criteria.

Regarding the financial test, in theory it may be possible to envisage a sufficient net income to sustain one person's livelihood, but experience suggests it is not always easy to expand small free range enterprises and secure sufficient local customers prepared to pay the free-range premium. On the applicant's figures, 1,500 birds would yield a net profit some way below an agricultural worker's wage and 2,000 birds would be needed for viability, but this assumes an ability to find non-wholesale outlets for approaching 1,000 dozen eggs per week, whereas the current output is probably no more than about 240 dozen per week, plus 60 dozen brought in. Therefore it would be difficult to conclude that viability was a clear prospect at this stage despite the owner's evident enthusiasm and dedication to the unit and his genuine intent.

C.A.: No archaeological measures are necessary in association with this application.

P.C.: No objections, although did not oppose refusal under delegated powers.

P.R.: A letter has been received, stating that the three writers do not wish to lodge a formal objection but wish to raise a number of concerns that include:-

- Dispersal of chicken manure;
- Collection and disposal of waste from the site;

- Disposal of dead birds;
- Noise from machinery;
- Any increase in traffic at the site; and
- The long term intentions for the future of the land.

One letter of objection has also been received stating that the proposed mobile home would be located in a very prominent position within a designated Special Landscape Area. The site is open countryside which is protected for its own sake by Kent Structure Plan policies.

The agricultural enterprise has only recently been established and is only a part-time business which is not commercially viable. The business plan's profit figures are optimistic and unlikely to be achieved and the expansion plans set down in the application will not result in a full time commercially viable enterprise; the proposal does not satisfy the criteria in PPG7 in relation to temporary agricultural dwellings since there is no essential functional need. The need can be fulfilled by the applicant's existing dwelling in Northbourne which is very close to the application site.

It is often the case that temporary consent for a mobile home will lead to consent for a permanent dwelling. Such development would be clearly very obtrusive and inappropriate in this location, PPG7 Annex I Paragraph 115 states that local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

f) The Site and the Proposal

The application site relates to a smallholding of 2.43 hectares (6 acres) located between Great Mongeham and Northbourne. The land was previously used for grazing horses; three horses remain in a paddock located on the northern part of the application site. The site has a number of small timber buildings, only one of which has had planning permission as a field shelter and hay store for the horses. A small caravan is also grouped in with the buildings. The site has been set up as a free range egg enterprise, initially with 500 hens (kept in two mobile sheds).

The application seeks planning permission to locate a mobile home on the site and change the use of the shelter/hay store to an egg grading and packing building. The applicant has submitted a business plan indicating how he intends to expand from the current 500 hens to 1,500 (or 2,000 if necessary for viability) over the next three years. This is available for inspection.

Policy Context

The Kent Structure Plan at Policy ENV1 seeks to protect the countryside for its own sake and states that development should seek to maintain or enhance it. Local Plan Policy C01 has similar aims.

The site is located within the Special Landscape Area, a landscape designation covered by Kent Structure Plan Policy ENV4, that provides long term protection through local plans and development control. Local Plan Policy C03 also seeks to protect the landscape unless an overriding benefit can be demonstrated.

Kent Structure Plan policies RS1 and RS5 respectively set out the considerations to be applied generally to rural development and, specifically, to development outside villages. Policy ED5 supports the agricultural industry subject to various considerations including the viability (existing or potential) of the holding.

Local Plan Policy HS12 as proposed for modification sets out the criteria for considering temporary accommodation for people employed by a new enterprise in the rural area, which has yet to prove long term viability. The criteria are that:-

- The rural location and the need for accommodation is essential for the enterprise to function properly;
- The need is for accommodation for a full time worker;
- It can be demonstrated that the enterprise is planned on a sound financial basis and there is a firm intention and ability to develop it;
- No other housing accommodation to meet the need is already available locally; and
- It is grouped with existing dwellings or other buildings on the enterprise.

PPG7 - The Countryside - Environmental quality and economic and social development - sets out in Annex 1 similar criteria to that contained within Local Plan Policy HS12.

Assessment

No objection is raised to the proposed change of use of the existing shelter/hay store. Therefore, the principal planning considerations with regard to this proposal are:-

- Whether there is justification sufficient for siting a mobile home in principle;
- Whether the site is an appropriate location for temporary accommodation.

In accordance with normal practice, the advice of Kent County Council Estates has been sought, and the conclusions are set out at e) above. There are two main elements to be considered, namely the functional need and the financial test. On both of these elements there is insufficient justification for allowing on-site accommodation. Reference is made to the applicant's current property at The Street, Northbourne which is less than 1 kilometre by road from the site. The applicant is concerned at the number of thefts from

the site but neither planning policy nor the advice contained in PPG7 give particular weight to security as a justification.

The viability of the enterprise is questionable based on experience. Two thousand hens would be needed for viability but assumes an ability to find known wholesale outlets for approaching 1,000 dozen eggs per week. This is required to ensure best price, to include the free-range premium.

The site is located within the North Downs Special Landscape Area and outside the confines of any village or town. Therefore, an overriding need for residential accommodation must be demonstrated. On the basis of the information provided, and in the light of Kent County Council's advice, such a justification cannot be demonstrated. Highways advice is still awaited, and the recommendation is therefore one of refusal subject to the receipt of that advice.

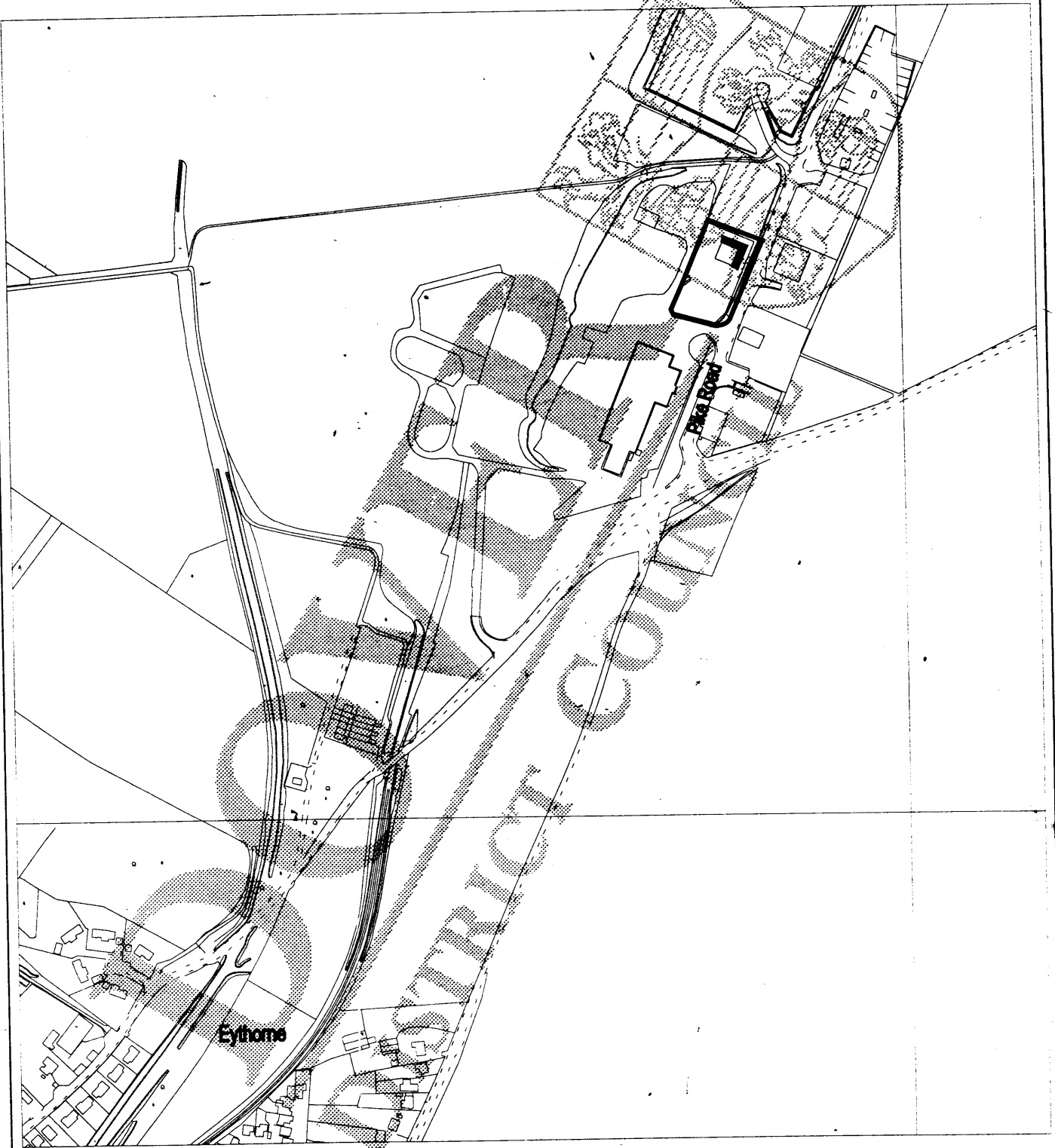
The concerns of third parties relating to the keeping of hens are not material planning issues, since this is an agricultural operation that does not require planning permission.

It is recognised that the refusal of planning permission may result in an interference with the applicant's rights as protected with Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The issues relating to the proposed development: as identified in this report, are important material planning considerations and cannot be overcome by approving the application subject to conditions. The recommendation of refusal is justified to protect the rights of others and in the public interest. It does not place a disproportionate burden on the applicant and would not constitute a violation on the rights.

- g) I PERMISSION BE REFUSED on the grounds:- (i) The site is located outside the confines of any village, in generally unspoilt countryside, designated as a Special Landscape Area, and the proposal if permitted would introduce residential development that would constitute an undesirable feature in the rural area, detrimental to the amenities of the locality. The proposal would accordingly be contrary to the provisions of the approved Kent Structure Plan, in particular Policies ENV1, ENV4, RS1 and RS5 and Policies C01 and C03 of the Dover District Local Plan; (ii) It is considered that the detailed information provided in the business plan is not sufficient to demonstrate an exceptional need such as to justify setting aside those policies set out in ground (i) above or to satisfy the criteria in Structure Plan Policy ED5 and Policy HS12 of the Dover District Local Plan; (iii) The proposal would generate demand for travel on rural roads outside the confines of any village. It is therefore, contrary to Policy TR1 of the emerging Dover Local Plan and it does not uphold the objectives of PPG13.

II I07, I13I.

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Scale: 1/5000

Application: DOV/00/896
Eythorne

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N

16. a) DOV/00/0896 TR 285 : 505
- b) **Erection of warehouse and office, land adjoining Mike Beer Transport Limited, Pike Road Industrial Estate, Pike Road, Eythorne.**
- c) Kent Structure Plan : Policies RS1, ENV4 and ENV18
Dover District Local Plan : Policies DD1 and DD12
- d) DOV/91/909 - Erection of new industrial building for garage maintenance and offices - Approved.
- e) Highways Comments: No objection subject to conditions including governing routing of vehicles.

D. of H. and H.: Requests details of estimated night-time vehicle movements to the site and queries if machinery is to be used. Comments also on hours of use and the impact of heavy vehicles in local villages.

C.A.: No objections.

F. D. W. S.: No objections subject to normal requirements.

E.A.: Comments not received.

Coal Authority: Advises of ground conditions.

P.C.: Raises the following points:-

- Traffic coming to and from the site should be the subject to a routing agreement requiring use of the A256/Barville Road so as not to go through villages;
- If the operation is to be allowed for 24 hour use, restrictions be put on so that possible noise impacts will not be heard in the Parish.

- f) The application proposes an extension to existing premises on the Pike Road Industrial Estate. It is proposed to provide 150 sq.m of additional industrial floorspace and 164 sq.m of office floorspace. This would increase the floorspace within the building from 556 sq. m. to 870 sq.m. Seven full-time jobs are proposed to be created. The normal hours of use are stated as being 07.00 - 19.00 (weekdays) and 07.00 - 13.00 (Saturdays) although a request is made that the option for a 24 hour use be given as necessary. It is stated that a total of four additional cars would visit the site each day as a consequence of the proposal.

The main considerations in this case are considered to relate to visual impact (the site lies within a Special Landscape Area), the potential for additional vehicle movements to and from the site and possible noise arising from the use, in particular the consequence of any 24 hour operation.

The existing building occupies a prominent position on a raised bank adjoining Pike Road. The building is perhaps the most prominent within the industrial estate and in this respect, care needs to be taken over any increase in its size. Plans will be on display. While the building's footprint will be increased, the ridge line and roof will be in keeping with the existing. The

materials will also match those currently used. On balance, it is not felt that the increase in size will have such a harmful impact on the surrounding Special Landscape Area to justify refusing this proposal. This view takes into account the likelihood of development occurring on the adjoining site to the north. This currently has planning permission for a ready mixed concrete plant and is subject of a new proposal detailed elsewhere in this agenda (DOV/00/774).

It will be noted that there are no Highways objections subject to appropriate conditions. The issues raised by the Director of Health and Housing need to be resolved. A landscaping plan is also required at this stage - it is anticipated that this would relate to the whole site and would in part compensate for the lack of landscaping undertaken when the existing building was erected. Otherwise the proposal is considered to be acceptable.

It is recognised that the granting of planning permission will result in an interference with some third party rights as protected by Article 8, and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the applicants' rights under the same Articles and the issues identified relating to the proposed development as set out above are important material planning considerations which can be satisfied by the granting of planning permission subject to conditions. The proposals are therefore so recommended. This recommendation is necessary in a democratic society in furtherance of the legitimate aims stated.

- g) I SUBJECT TO the satisfactory resolution of outstanding details including the requirements of the Director of Health and Housing and the submission of a landscaping scheme PERMISSION BE GIVEN subject to:- (i) DP01; (ii) MA01; (iii) LA24; (iv) LA36; (v) All new external lighting on the site shall use full cut-off lanterns, details of which shall be submitted for the prior approval of the Local Planning Authority. The lighting shall be installed as approved; (vi) Any other conditions including highway conditions, to be delegated to the Director of Planning and Technical Services.
- II The applicant be advised of the views of the Coal Authority and FDWS.
- III I13.

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Scale: 1/2500

Application: DOV/00/905
Shepherdswell with Coldred

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17. a) DOV/00/0905 TR260 : 483
- b) **Conservatory extension, Bramling House, 46 Eythorne Road, Shepherdswell.**
- c) Kent Structure Plan : Policy RS1
Dover and Western Parishes Local Plan : Policy DC1
Dover District Local Plan : Policy DD1
- d) The property has had a number of planning approvals since its change of use to a residential home in 1970.
- e) P.C.: No objections.

P.R.: One letter has been received objecting on the grounds of:

- Possible adverse impact on nearby trees;
- Loss of privacy;
- Out of character with neighbouring properties;
- The proposal will exacerbate further an already compromised situation relating to unsympathetic alterations previously approved.

f) The Proposal

The application is for a conservatory extension to the side and partly to the front of the existing residential home.

It would be single storey, predominantly glazed and with a footprint of 6 m x 8.5 m. It would project 3.5 m in front of the existing building and would have a gap varying between about 1.1 m and 1.4 m from the boundary. The plans will be on display.

The Property

The existing residential home lies in the south-east side of Eythorne Road and set back some 10 m from the road at a higher level. A drive to the side gives access to rear car parking and on the south side is a detached dwelling set to the rear of the application building.

There is a fence along the southern boundary and a screen of trees in the adjoining property.

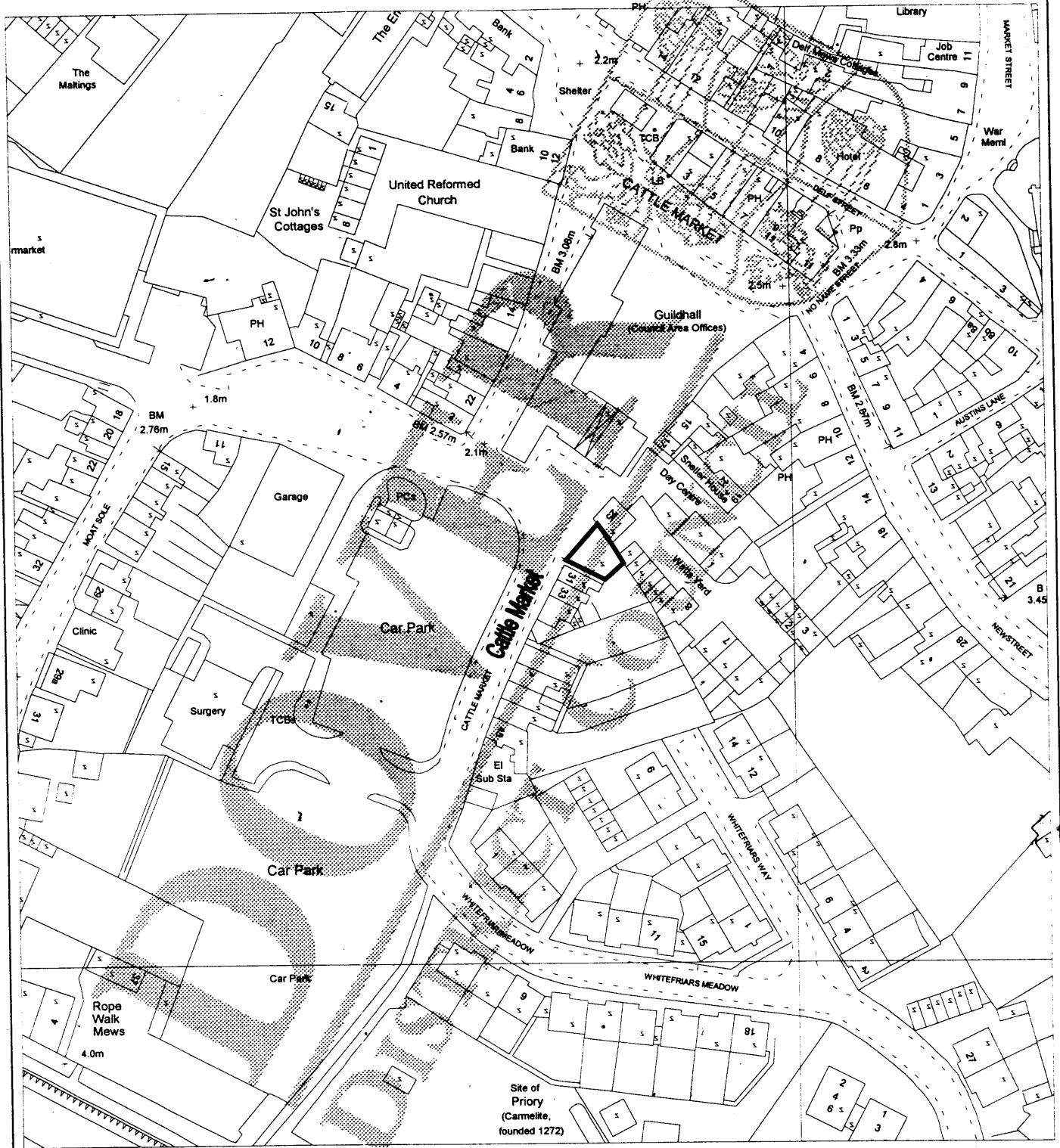
Discussion

The location of the proposal in relation to the existing property and the highway is acceptable in design terms. It would not upset the harmony of the building and whilst the third party refers to a significant loss of privacy, it would not increase the potential for overlooking over that which currently exists. The proposed conservatory would be some 25 m in front of the adjoining property and would have no impact on the private rear garden.

The issue of effect on the adjoining trees is currently being investigated and it is intended to report further on this aspect at the meeting.

- g) CONSIDERATION BE DEFERRED.

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Scale: 1/1250

Application: DOV/00/924
Sandwich

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18. a) DOV/00/0924 TR 3294 : 5808
- b) **Erection of two dwellings (existing buildings to be demolished), land between Nos. 25-31 Cattle Market, Sandwich.**
- c) Kent Structure Plan : Policies RS1, RS2, NR5, ENV15, ENV16 and ENV17
Dover District Local Plan : Policies DD1, DD4, DD5, HE1, HE3, HS2 and WE9

d) Recent Planning History

- DOV/95/0090 - Demolition of garage/store building and erection of two storey shop premises - Granted planning permission.
- DOV/95/0091 - Demolition of garage store/building - Granted conservation area consent.
- DOV/00/0157 - Pair of dwellings - Withdrawn.
- DOV/00/0411 - Erection of detached dwelling - Withdrawn.

- e) Highways Comments: No objections on basis of location in conservation area.

D. of H. and H.: Views awaited.

C.A.: No objections subject to a condition requiring a programme of archaeological work.

E.A.: The site is within a tidal flood risk area. A condition is recommended that all sleeping accommodation is provided above 6.18m above Ordnance Datum Newlyn to prevent risk to human life. Also the site is a former brewery store and a site investigation of possible contaminants should be carried out.

T.C.: No objections.

P.R.: One letter has been received objecting to the scheme as it would block light from a bedroom window.

f) The Site and the Proposal

The site is located beside the Sandwich Guildhall and fronts onto the public car park. It is located between a terrace of dwellings and a timber-framed property. There is currently a garage/store building on the site. The site is within the Sandwich Walled Town Conservation Area.

The application seeks planning permission to replace the existing store with a pair of houses with rooms in the roof. Each property would have 3 bedrooms, one on the first floor and 2 attic bedrooms. There would be no car parking associated with the properties and there would be a small walled garden for each at the rear.

Policy Context

The Structure and Local Plan policies identified at c) above aim to protect the character, quality and functioning of Kent's built environment and wherever possible to enhance that character. They also seek to safeguard the character and setting of the conservation area.

Local Plan Policy HS2 allows for the development of new small housing sites providing that it complies with other policies in the plan. The Plan also takes account of river and tidal flooding and proposed development within the protection area must take account of Policy WE9, which specifies that no sleeping accommodation shall be provided below 6.18m AOD.

Assessment

The principal planning considerations in this case are:-

- The principle of residential development in land use policy terms;
- The acceptability of the proposal in conservation and design terms;
- Whether the development would have a detrimental effect on neighbouring properties; and
- The acceptability of the proposal in terms of the Environment Agency's comments.

The site is located within the town confines for Sandwich wherein planning policy allows for new small scale development, particularly infilling. The external design has been amended following negotiations to a form that is now acceptable in the conservation area and in line with conservation and design policies.

The one letter of objection raises concerns that the proposal would overshadow a bedroom window. This aspect has been assessed on site using the 45° line and it is considered that there will be no detrimental effect on the amenities of nearby residential properties.

The Environment Agency states that it has no objections in principle to the proposal but recommends that a condition relating to sleeping accommodation be imposed. The effect of such a condition would be that sleeping accommodation on only the second floor could be allowed. The agent has been contacted to confirm if this is acceptable. If it is not the Environment Agency's further views will be required. The Agency's concern is to prevent the risk to life during times of flood; it echoes concerns in Structure Plan Policy NR5 and Local Plan Policy WE9.

On the basis of the current submission the principle of residential development is acceptable and the amended design is acceptable. However, if the internal layout is not amended to satisfactorily overcome the Environment Agency's concerns, which must be taken seriously, the application must be refused. A dual recommendation is set out below.

In preparing the report and making the recommendations set out hereunder, careful consideration has been given to the implications of the Human Rights Act 1998. A refusal of the application would result in an interference with the

rights of the applicant as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The issues relating to the proposed development, as identified above, are important material planning considerations and, were the proposal to remain in its submitted form, would not be capable of being overcome by conditions on a planning permission. The second of the alternative recommendations reflects this. However, were the proposals to be satisfactorily amended, such as to overcome the identified issues, it is considered that planning permission could be granted subject to conditions, without undue interference with the rights of either the applicant or third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The recommendations are made in the public interest.

- g) I Subject to the receipt of satisfactorily amended drawings, the Director of Planning and Technical Services be authorised TO GRANT PLANNING PERMISSION SUBJECT TO:- (i) DP01; (ii) DP04; ;(iii) MA12; (iv) MA24; (v) MA28; (vi) No works for the demolition of the existing building on the site shall be commenced until such time as a contract for the works to construct the dwellings hereby approved has been completed and signed; (vii) ARO1; (viii) Any conditions appropriate relating to contamination issues or following the receipt of amended drawings.
- II The applicants BE ADVISED that planning permission does not obviate the need for Conservation Area Consent for the demolition of the existing buildings.
- III Otherwise, the Director of Planning and Technical Services be authorised to REFUSE PLANNING PERMISSION on the grounds - recommended by the Environment Agency.
- IV I07 and I13I.

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Scale: 1/1250

Application: DOV/00/929
Sandwich

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19. a) DOV/00/0929 TR 3306 : 5791
- b) **Removal of existing garage and erection of sectional garage and two-storey extension to front of property - Barn House, New Street, Sandwich.**
- c) Kent Structure Plan : Policies RS1, ENV15 and ENV17
Dover District Local Plan : Policies DD1, HE1, HE3 and DD8
- d) DOV/92/0455 - Planning permission granted for the erection of two dwellings.
- e) Highways Comments: No objections subject to a standard condition.

C.A.: Views awaited.

T.C.: Recommends refusal on the grounds that the plans are totally inadequate and unclear.

- f) The Site and the Proposal

Barn House is a modern two storey detached property located on a backland site behind Nos. 60 - 68 New Street, sharing a narrow access with a garage court and a second dwelling of similar age. At present, the dwelling has a single vehicle garage adjoining its northern elevation with a pitched lean-to roof.

The application seeks planning permission for the demolition of the existing garage and its replacement with a considerably larger flat roofed garage, again adjoining the dwelling on the northern side; this would measure 5m x 9m and would be large enough to accommodate four vehicles. A large up and over door to the garage is proposed. Permission is also sought for a two storey extension with a small footprint, measuring 3.3m x 2.2m, at the north-east corner of the dwelling.

Policy Context

The application falls to be considered in relation of those policies which seek to safeguard residential amenity and the appearance and character of the conservation area, as listed at c) above.

Assessment

The principal planning considerations in this case are:-

- The impact of the design of the proposed additions upon the character and appearance of the conservation area; and
- The effect of the proposal upon the amenity of neighbouring residents.

With regard to design, the proposed two storey extension at the front of the property is entirely acceptable. Furthermore, as this would be immediately adjacent to a garage court it would have no adverse impact upon the amenity of neighbouring residents by reason of loss of daylight or overlooking.

The flat roofed garage as presently proposed is undoubtedly a backward step in terms of design in comparison to what is on site at present. However, it must be acknowledged that, although within the conservation area, the site is completely screened from public view and that consequently the proposed garage would have no significant effect upon the character or appearance of the conservation area. Nevertheless, there is certainly scope for improvement to the design of the garage, through the replacement of the up and over door with a more appropriate detail and the addition of a parapet above the garage door. The applicant has therefore been asked to make these additions to the plans.

The Town Council has commented that the submitted plans are inadequate and unclear. This is not so; the only detail missing from the submission is a floor plan showing the precise use intended for the two storey extension, which the applicant has been asked to provide.

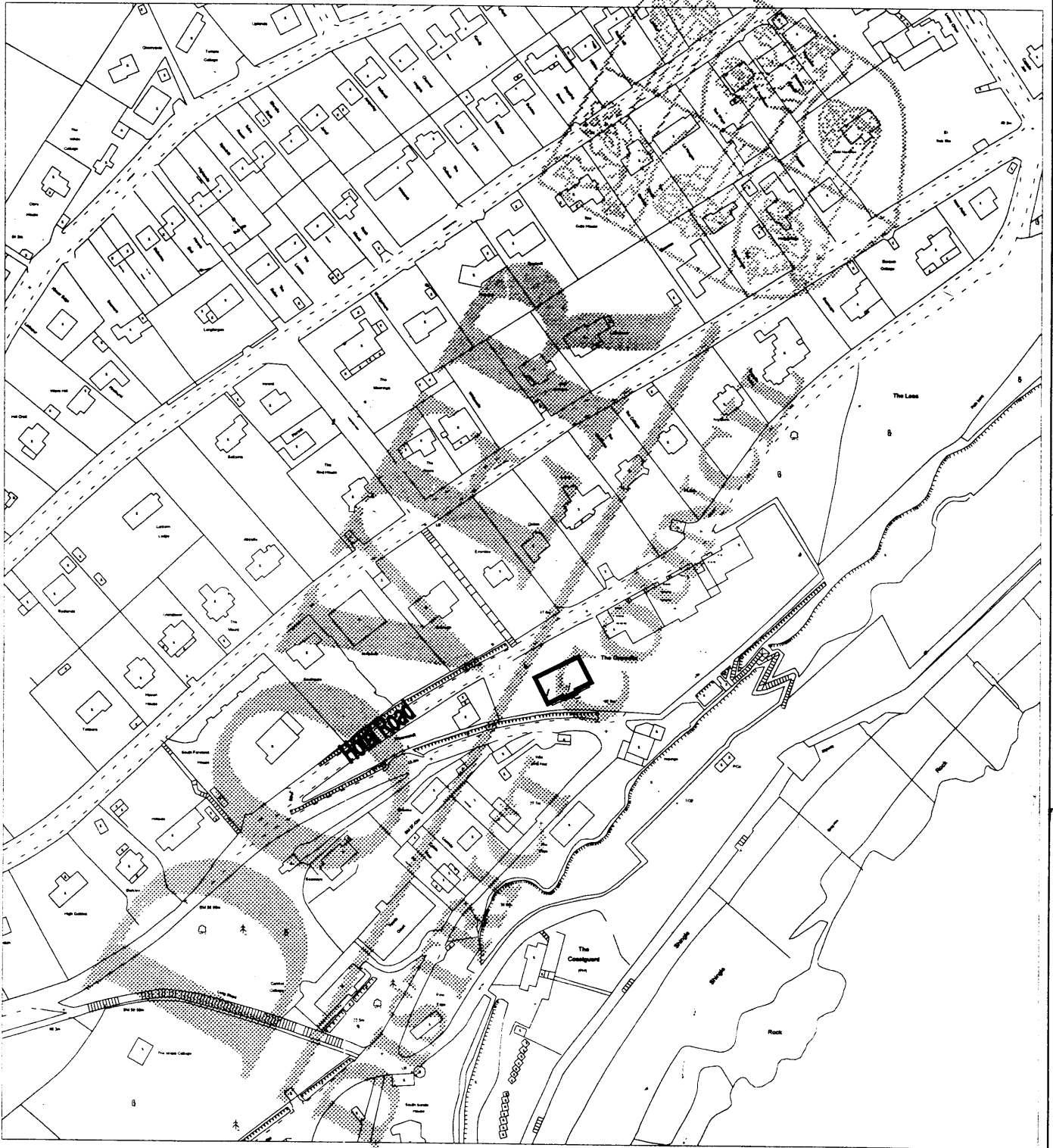
Subject to the receipt of satisfactorily amended and additional plans, the recommendation is one of approval.

It is recognised that a grant of planning permission may result in an interference of the right of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, this has to be balanced with the applicant's rights under same articles. It is considered that to grant planning permission would not constitute a violation of any rights under Article 8 of the convention or under Article 1 of the First Protocol and permission may be given in the public interest, subject to the receipt of satisfactory amendments as detailed above.

- g) I Subject to the receipt of additional and satisfactorily amended plans, GRANT PLANNING PERMISSION SUBJECT TO:- (i) DP01; (ii) DP04; (iii) PA05B; (iv) MA12.

II I131.

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Scale: 1/2500

Application: DOV/00/930
St Margarets at Cliffe

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20. a) DOV/00/0930 TR 367 : 445
- b) **Alterations to dormer windows; including formation of balcony, 7A The Granville, Hotel Road, St. Margaret's Bay.**
- c) Kent Structure Plan : Policy ENV17
Dover District Local Plan : Policies DD1 and HE1
- d) The site has a considerable history, but of relevance is:-
DOV/96/1313 - Erection of 3 flats - Approved.
- e) P.C.: No objections.
P.R.: Three letters have been received objecting on the grounds of:-
- Loss of privacy;
 - Works would require considerable construction time;
 - Would require access to private garden;
 - Would not enhance the architectural integrity of the building;
 - Increase costs of future maintenance;
 - Alternatives not justifiable.
- f) The Proposal

The application relates to Block A of The Granville flats; this is the southern most block of the three, and is in regard to the top flat. This is sited within the roof space and the southern (seaward) elevation has a central balcony with dormer windows on either side. (The plan will be on display).

The proposal is to lower the cill of the dormer windows and create new balconies. The nature of the structure would result in the railings being set back 600mm from the edge of the roof.

A proposal for an additional velux in the eastern roof slope has now been deleted from the application.

The site is within the designated Conservation Area.

Issues

There are two main issues concerning this proposal, firstly the impact upon the building and the Conservation Area and secondly the impact on adjacent occupiers.

The location of the building and orientation of this elevation is such that due to the steeply sloping land and existing trees, the elevation is extremely difficult to see other than from long distances. In view of this it is not considered that

there would be any detriment to the character of the building or the Conservation Area.

The second issue concerns the third party objections to loss of privacy as a result of overlooking from the new balconies. It would appear that if there were any overlooking it would already occur from the existing balcony and that the set back nature of the proposals would either not create any overlooking or not increase that already existing. This has been confirmed through detailed investigation on site. On balance, accordingly, it is considered that the proposal will not alter the position concerning overlooking materially. The application, therefore, is recommended for permission.

- g) I PERMISSION BE GIVEN subject to grounds to be delegated to the Director of Planning and Technical Services.

II 107.

21. a) DOV/00/0944 TR 3766 : 5279
- b) **Renewal of planning permission DOV/95/0213 for change of use from shop to hot food takeaway - 85 High Street, Deal.**
- c) Kent Structure Plan : Policies ENV15 and ENV17
Dover District Local Plan : Policies HE1, HE3, TR7 and SP6
- d) DO/84/1019 - Planning permission granted for conversion of a garage and showroom to 4 lockup shop units.
- DO/85/58 - Planning permission granted for change of use from retail unit to estate agents' office.
- DOV/95/0213 - Planning permission refused for change of use from shop to hot food takeaway on the grounds that the proposed development would increase the concentration of traffic in the vicinity of the site and would create additional danger to users of the highway. Subsequent appeal allowed, subject to conditions requiring the District Council's prior approval of a fume extract/odour control system, the siting of refuse bins, and limiting opening hours to 0900 to 2300 hours Mondays to Saturdays and 0900 to 2230 hours on Sundays.
- DOV/95/1042 - Planning permission granted for change of use from shop to restaurant.
- e) Highways Comments: Although this proposal was originally objected to on highways grounds, it was allowed on appeal. Unless there has been some change in policy grounds, planning permission will have to be given.

D.of H. and H.: Observations awaited.

T.C.: Objection, congested use of food shops in area.

f) The Site and The Proposal

The application site comprises part of a single storey shop located at the junction of High Street and Stanhope Road. The shop in question is currently occupied by "The Dental Shop", and was originally part of a garage. There is no additional land with the property either in the form of parking spaces or outside storage areas. The site lies within the Middle Street Conservation Area.

Planning permission was granted on appeal for the change of use of the premises from a shop to a hot food takeaway on 5 October 1995, but this has never been implemented. The current application seeks the renewal of that permission.

Policy Context

The site lies within a secondary shopping frontage as defined by the Dover District Local Plan, whereby Policy SP6 specifies that only Use Classes A1,

A2 and A3 will be permitted in ground floor premises. Those Structure and Local Plan policies which seek to safeguard the character of the built environment and conservation area are also applicable, as listed at c) above. Additionally, Local Plan Policy TR7 states that development which would attract vehicles will not be permitted unless provision is made for cycle parking in accordance with the Council's standards and for on-site vehicle parking, but that it may be agreed to provide less vehicle parking than the maximum required provided there would be no harm to road safety or traffic management.

Assessment

The principal planning considerations in this case are :-

- the fact that planning permission was granted for this proposal on appeal in October 1995; and
- whether any changes in material circumstances associated with the site and proposal, including the planning policies, have taken place since that decision insofar as they relate to the proposal.

Members will note from section d) that the District Council originally refused planning permission for this proposal in 1995 on highways grounds alone. No objection was raised by the Director of Health and Housing at that time in relation to potential disturbance from smell or noise subject to appropriate conditions being attached to any grant of planning permission. His observations on the current application are still awaited, but there is no reason to believe that a different assessment will be made this time. It is hoped that it will be possible to give a verbal report on this matter at the meeting.

Circumstances associated with the site and relevant planning policies have not changed since 1995 insofar as they relate to the current proposal. Therefore, the Council's initial concerns regarding traffic and road safety must be set aside, the Appeal Inspector having dismissed this issue as inconsequential five years ago. At that time, the Inspector stated that he was not convinced that additional traffic likely to be generated by the proposal would be significant within the context of the town centre. He acknowledged that a few customers would try to park illegally close to the takeaway during the day, but that there would normally be some space available off-street or in Stanhope Street, and that after 1830 hours when most of the business would take place, a considerable amount of on-street parking would also be available. He made the additional point that few shops in the historic town centre such as Deal could provide off-street parking spaces and that public car parks are therefore relied upon. As circumstances have not changed since that decision, the Council would not be justified in using highways concerns as a basis for refusing the renewal of the planning permission.

The thrust of the Town Council's comments as summarised at e) above is not entirely clear. However, in terms of the principle of takeaway use, Local Plan Policy SP6 states that Class A3 Uses are acceptable in the secondary shopping frontages of Deal. Policies militate against takeaway and restaurant uses only in the primary shopping frontages.

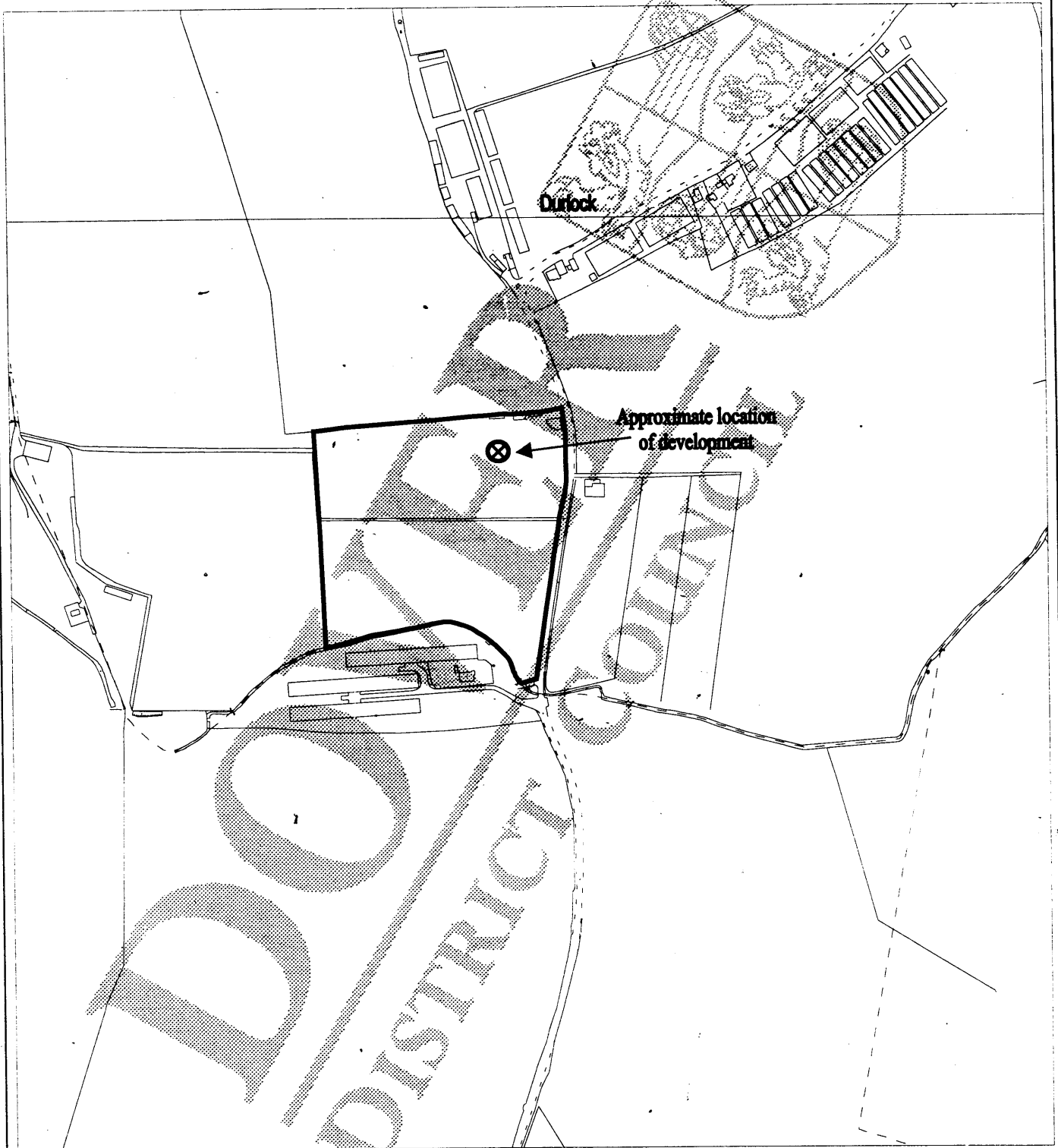
Accordingly, as circumstances have not changed materially since the appeal decision in 1995, it is recommended that planning permission be renewed.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Articles 8 and 10 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the applicant's rights. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- g) I GRANT PLANNING PERMISSION subject to the same conditions as imposed by the Appeal Inspector on planning permission DOV/95/0213.

II 1131.

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Scale: 1/5000

Application: DOV/00/950
Ash

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N

22. a) DOV/00/0950 TR274 : 577
- b) **Erection of stable with livestock accommodation and garage/tractor shed, Durlock House, Durlock Road, Ash.**
- c) Kent Structure Plan : Policies RS1 and RS5
Dover District Local Plan : Policies DD1, DD8 and DD22
- d) DOV/99/0569 - Erection of two storey replacement dwelling and detached car port (existing dwelling to be demolished) - Planning permission refused.
- DOV/99/1143 - Erection of extension to dwelling, external alterations in association with conversion of stables to ancillary residential accommodation, erection of detached hay loft/stable and detached car port - Planning permission refused.
- DOV/00/0091 - Erection of extension to dwelling and external alterations in association with conversion of stables to ancillary residential accommodation - Planning permission granted.

- e) Highways Comments: No objection provided the stables are for private use, subject to conditions.

KCC (Footpaths): Comments on the adjoining public footpath.

P.C.: Has no objections.

- f) The Site and the Proposal

The application site lies to the west of Durlock Road, well outside the confines of the village. The property includes some 4 hectares of land previously used as a nursery/smallholding and certificated caravan site for 5 caravans.

The application seeks planning permission for the provision of a stable/livestock building in an L-shaped form some 16.4 m on its longest side and 10 m on its return and some 3.5 m in width; and an open-fronted garage/tractor shed some 8 metres in width and 5.5 metres in width. The stable/livestock building is to be sited within an enclosed paddock area and the garage/tractor shed to the front of this paddock. All these buildings are beyond the rear of the existing partially-converted residential buildings. The plans will be displayed.

The permission given under reference DOV/00/0091 has been partially implemented and works are still continuing to carry out the conversion of the buildings and extensions to the dwelling.

Policy Context

The relevant policies of the Kent Structure Plan and Dover District Local Plan are listed at c) above. Policies RS1 and RS5 of the Kent Structure Plan and Policies DD1 and DD8 of the emerging Local Plan seek to ensure that

applications for extensions and ancillary buildings are acceptable in terms of their design, scale, massing and form and are modest in scale. Policy DD22 accepts the provision of horse-related development where amongst other things it does not adversely affect the character or appearance of the countryside and relates visually to existing buildings.

Assessment

The principal planning considerations in this case are whether the proposal is acceptable in policy respects and appropriate in this rural area.

The proposal involves the provision of a substantial amount of floorspace, some 82 sq. metres for the stable/livestock building and a further 44 sq. metres of garage/tractor shed, in the countryside to the rear of the dwelling and its yet to be completed ancillary accommodation.

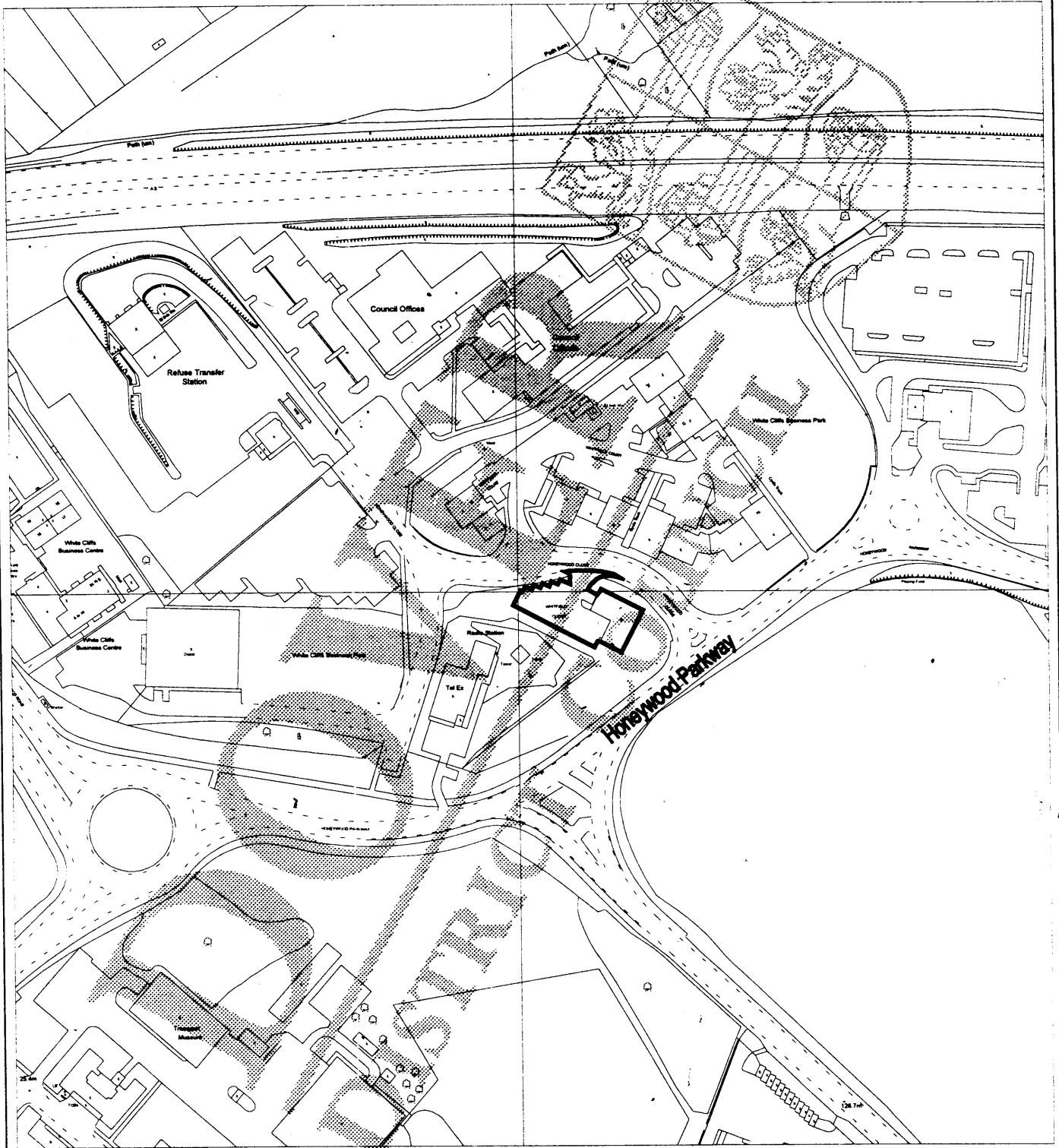
It is clear from the consideration of the policies of both the Kent Structure Plan and the emerging Local Plan that only modest extensions and ancillary buildings of appropriate design, size and location are acceptable. In this particular case, the already-accepted extensions and the outbuilding conversions have enlarged Durlock House up to the limit of what would normally be considered modest and acceptable within a countryside location. Indeed, it was clear from the refusal of the two 1999 applications which contained substantial development that it was necessary to limit proposals to modest development at this site to comply with policy considerations.

The scheme approved under reference DOV/00/0091 achieved sympathy with both the character of the building and that of the countryside by its modest use of extensions and conversion of the outbuildings. To further add to the built development at the site in the manner intended (particularly with reference to its size and locational relationship with the dwelling) would be contrary to policy considerations, and in particular would conflict with both Structure Plan policies RS1 and RS5 and policies DD1, DD8 and DD22 of the emerging Local Plan. The applicants have not sought to demonstrate any particular justification as to why the policy considerations should be set aside.

It is recognised that refusal of the application will result in an interference with the applicants' rights as protected by Article 8 and Article 1 of the first protocol of the Human Rights Act 1998. The issues relate to the proposed development, as identified in this report, are important material planning considerations and cannot be overcome by approving the application subject to conditions. The proposal is, therefore, recommended for refusal. This recommendation is justified in the public interest; it does not place a disproportionate burden on the applicants and would not constitute a violation of their rights.

- g) I PERMISSION BE REFUSED on the grounds:- (i) The proposal would result in development which would be poorly related visually to existing development and excessive in size for its setting outside any village; it would thereby be detrimental to the character and appearance of the countryside. The proposal is therefore contrary to the policies of both the Kent Structure Plan, in particular ENV1, RS1 and RS5, and the Dover District Local Plan, in particular policies CO1, DD1, DD8 and DD22.

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Scale: 1/2500

Application: DOV/00/969
Whitfield

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23. a) DOV/00/0969 TR305 : 444
- b) **Conversion of light industrial unit to children's indoor play area, Unit 1, Whitfield Court, White Cliffs Business Park.**
- c) Kent Structure Plan : Policies ED1 and ED2
Dover District Local Plan : Policy LE1
- d) DOV/97/480 - Erection of B1/B2 business and industrial units - Approved.
- e) Highway Comments: No objections subject to conditions.

D. of E.D.: There are reasons from an economic development point of view to support this type of facility on a business park, particularly the proposed crèche, the employment it generates and its usefulness to companies trading on the White Cliffs Business Park.

P.C.: Objects, would prefer the unit to remain for industrial use.

- f) The application relates to the single unit that stands alone at the entrance to Whitfield Court. The proposal is to use the building, which has remained vacant since construction, as a "high quality children's entertainment centre". Appended to the report is a letter from the applicant fully setting out the nature of the proposal and its employment potential.

The views of the Parish Council will be noted as will the support of the Director of Economic Development. There is no specific policy guidance regarding such a proposal, although the potential employment of twelve staff is to be welcomed.

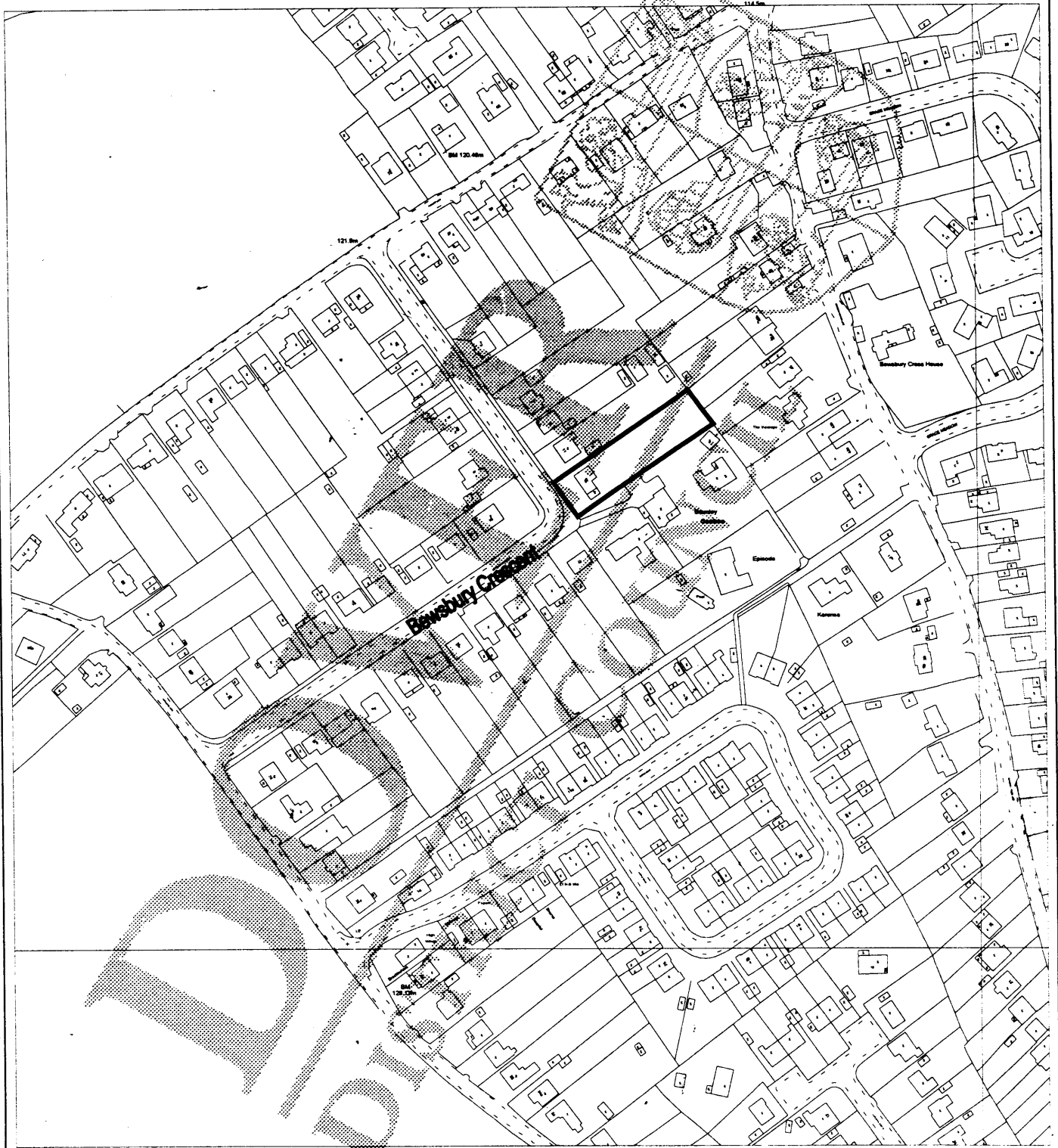
The proposal would not materially prejudice further employment by utilising this unit which in any event is detached from the main area of Whitfield Court.

It is not considered that the circumstances of this application are such as to override the conclusion that planning permission may be granted subject to conditions. The recommendation is made having regard to the provisions of the Human Rights Act.

- g) I PERMISSION BE GIVEN subject to conditions to be delegated to the Director of Planning and Technical Services.

II I13.

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Scale: 1/2500

Application: DOV/00/979
Whitfield

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24. a) DOV/00/0979 TR298 : 451
- b) **First floor bathroom extension and ground floor kitchen and conservatory extension, 15 Bewsbury Crescent, Whitfield.**
- c) Dover and Western Parishes Local Plan : Policies DC1 and DC8
Dover District Local Plan : Policies DD1 and DD8
- d) DO/92/0390 - Single storey extension - Approved.
- e) P.C.: No objection in principle but feels that the new building may overhang the neighbour's property and may contravene the 45° guide line. If this is the case, would object.

P.R.: One letter has been received commenting that:-

- There will be an overhang of the adjoining boundary of 200 mm;
 - Would be within 1 m of adjoining garage;
 - Discrepancy in a window between plans and elevations;
 - 45° line from dining room window would be infringed.
- f) The proposal is for a first floor extension over an existing single storey and a further ground floor extension on this detached house.

The extensions are to the rear of the house and are intrinsically well designed. The third party representations have two significant planning points; the 45° line aspect and the overhang of the adjoining property,

The 45° guideline as embodied in the Dover and Western Parish Local Plan and subsequently adopted pursuant to Policy DD8 of the emerging Local Plan refers to windows in the rear elevation of adjoining properties. The window referred to by the third party is in the side/flank elevation and is already affected by this house. There are rear windows, but these are already affected by the position of a garage and it is considered that the proposal does not affect the 45° guideline as published and would not have a materially detrimental impact on the adjoining dwelling.

The other issues of overhanging and the claimed anomaly in the plans are being investigate.

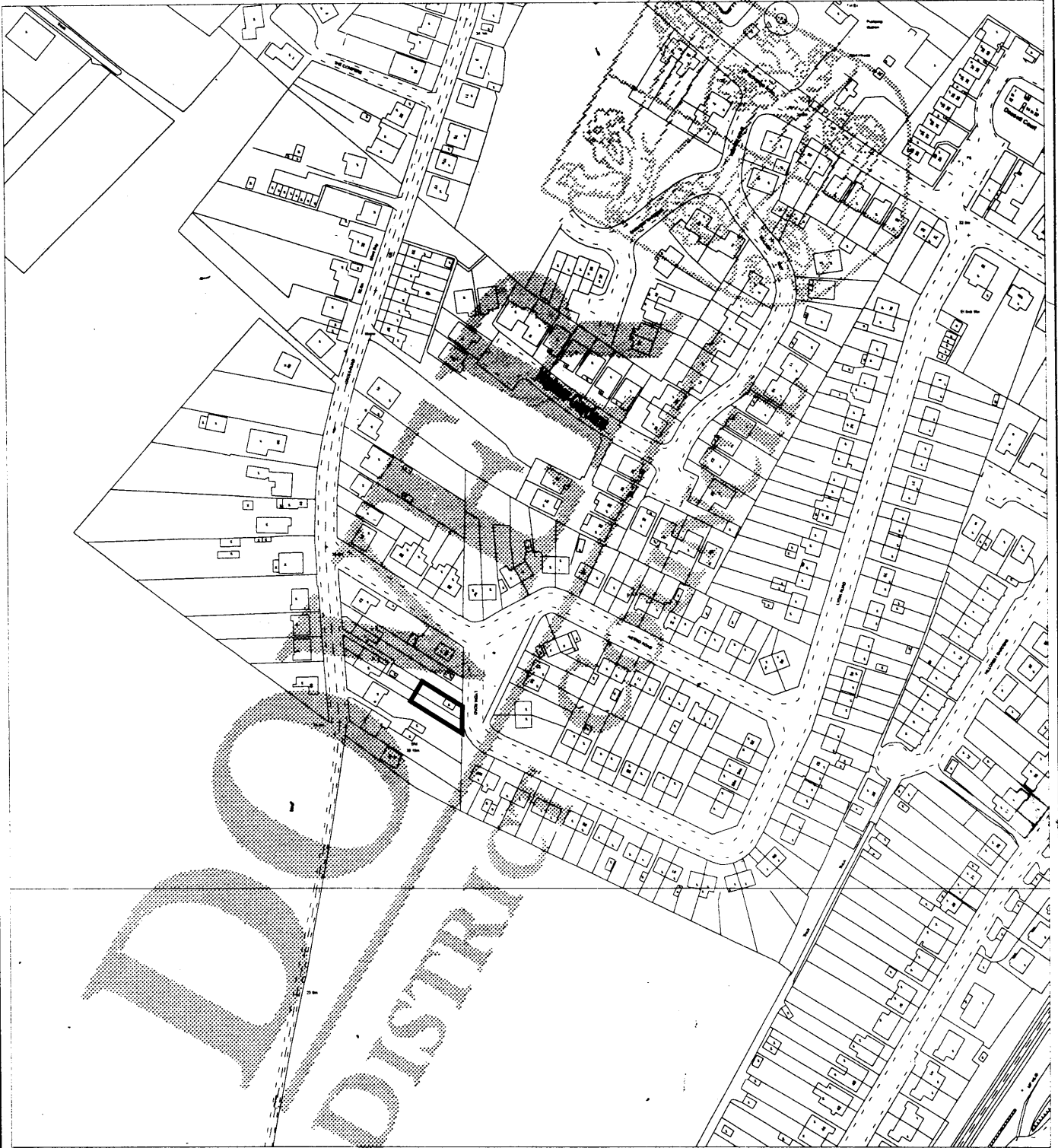
It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the first protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under the same Articles. Subject to satisfactory resolution of the outstanding issues, it is considered that there are no considerations which raise such concern as to override the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- g) I Subject to the satisfactory resolution of the outstanding issues, PERMISSION BE GIVEN SUBJECT TO:- (i) DP01; (ii) MA01.

II 107.

III 113.

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Scale: 1/2500

Application: **DOV/00/994**
Walmer

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25. a) DOV/00/0994 TR 3618 : 5056
- b) **Outline application - Erection of dwelling - Land at 59/61 Cross Road, Deal**
- c) Kent Structure Plan : Policies H3 and ENV15
Dover District Local Plan : Policies DD1, HS1 and TR7
- d) No site history.
- e) Highways comments: Confirmation is required as to whether alternative arrangements have been made for parking to replace the existing parking facilities for No.59 Cross Road. Subject to this, no objection subject to standard conditions. Further comments awaited.

T.C.: No objection.

P.R.: Two letters received which make the following points:-

- the site is unsuitable to sustain a house for a number of reasons, including privacy, light and location. As a compromise a bungalow would be more suited if any property has to be built at all;
 - regardless of whether the building is single storey or two storey, all current privacy to the adjacent rear garden would be lost;
 - the development site would extend along 50% of the length of the adjacent garden such that any windows whether in the side or rear would overlook that garden;
 - the building would cut out sunlight to the adjacent garden, which would become a gloomy and unpleasant place to sit;
 - any building on the site would be accessed via Lydia Road, where there is a sharp bend such that the access to the property would be hazardous. On-street parking would also be encouraged on the bend of the road to the further detriment of road safety.
- f) The Site and The Proposal

The site comprises a portion of the rear gardens of Nos. 59 and 61 Cross Road, Deal. The site varies between 23m and 28m in length and has a frontage of 11m to Lydia Road. There are presently garaging and car parking facilities for No. 59 Cross Road on the application site, accessed from Lydia Road. No. 61 has no off-street car parking facilities. Nos. 59 and 61 Cross Road are two storey semi-detached properties; No.109 Lydia Road, to the north of the site, is a two storey detached property, and No. 63 Cross Road is a detached bungalow. Nos. 55 and 57 are also two storey semi-detached properties.

The application seeks outline planning permission for the erection of a single dwelling on the site. All detailed matters other than the means of access are reserved for subsequent approval in the event of outline planning permission being granted. Means of access is specified as being from Lydia Road,

possibly using the existing access which serves the car parking facilities of No.59 Cross Road.

Officers felt the level of detail included in the application to be insufficient to enable the Council to make a decision, and therefore directed that further detail be submitted. An illustrative layout plan was received on 16 October 2000 which showed a new dwelling measuring 7m by 10m, positioned adjacent to the site's south-western boundary with the garden of 63 Cross Road. Two parking spaces would be provided in front of the dwelling adjacent to Lydia Road, with a driveway extending along the side of the new dwelling to serve two car parking spaces within the remaining curtilage of No.59 Cross Road, utilising the existing vehicular access. In response to officers' request that he confirm that a single storey dwelling on the site would be acceptable, the applicant stated that he would accept a chalet bungalow (i.e. a property which includes first floor accommodation within the roof space).

Policy Context

In accordance with Structure Plan Policy H3 and Local Plan Policy HS1, the principle of an infill dwelling on a site of less than 0.1 hectares within the built-up area of Deal is acceptable. Those Structure and Local Plan policies which seek to secure an appropriate standard of design and to safeguard the character of the surrounding area are also of relevance, as listed at c) above. Additionally, Local Plan Policy TR7 seeks to secure adequate off-street parking facilities to cater for new development.

Assessment

The principal planning considerations in this case are :-

- whether a dwelling could be accommodated on this site without causing unacceptable detriment to the amenities of neighbouring properties; and
- whether a property could be accommodated on the site with adequate car parking and turning facilities, thus avoiding detriment to road safety.

Although the applicant was given the opportunity by officers to demonstrate that his proposal would be acceptable in planning terms by providing a detailed layout plan, it is considered that he has failed to establish his case. The site is, at 11m, is rather narrow to accommodate a dwelling together with an access to serve an existing property, and there are private gardens rather than existing dwellings on either side of the site. There are three points of concern stemming specifically from the submitted layout plan, as follows :-

- firstly, the new dwelling would inevitably have to abut one or other of the side boundaries of the site. Even if limited to a single storey (which the applicant does not confirm that he would accept) the dwelling in such a position would cause extensive and unacceptable overshadowing of at least one neighbouring garden, to the detriment of the amenity of that property.

- secondly, the parking spaces shown on the new road frontage of the site to cater for the new dwelling would not have adequate manoeuvring space provided behind them, although by turning the spaces through 90° and creating a wider vehicular access it may be possible to overcome this problem. Further Highways advice is awaited on this point.
- thirdly, the two replacement car parking spaces for No.59 Cross Road would be positioned some 23m from the Lydia Road frontage, being accessed by a long and narrow driveway with no turning facility immediately adjacent to the spaces. This would not appear to be a safe or practical means of providing off-street car parking spaces for No.59 and the occupants of that property would be likely to park on-street in Lydia Road instead, close to a sharp bend and thus to the detriment of road safety. Further Highways advice is also awaited on this point.

Various rearrangements of the site layout have been carefully considered by officers; however, it has been concluded that it would not be possible to accommodate a dwelling on this site together with satisfactory parking facilities in an acceptable way. Accordingly, it is recommended that outline planning permission be refused.

In preparing this report and making the recommendation set out hereunder, careful consideration has been given to the implications of the Human Rights Act 1998. It is recognised that refusal of planning permission may result in an interference with the applicants' right to the peaceful enjoyment of possessions under Article 1 of the first protocol. The objections identified in this report are important material planning considerations and cannot be overcome by the granting of planning permission subject to conditions. The proposal is, therefore, recommended for refusal in the public interest and in furtherance of the legitimate objections raised by third parties. It does not place a disproportionate burden on the applicants and would not constitute a violation of their rights under Article 1 of the first protocol.

- g) I REFUSE OUTLINE PLANNING PERMISSION as clarified by the applicants' letter dated 11 October 2000 and drawing number 1591-001 received on 16 October 2000 on the following grounds :- (i) In the opinion of the Local Planning Authority, it would not be possible to accommodate a single detached dwelling on this site in such a way that problems of overshadowing of adjacent private gardens or loss of privacy to adjacent properties by reason of overlooking could be avoided, regardless of the layout of the site. The erection of a dwelling on the site would therefore be detrimental to the amenities of neighbouring properties and thus contrary to Policy ENV15 of the approved Kent Structure Plan and Policy DD1 of the emerging Dover District Local Plan; (ii) Any grounds of refusal recommended by Highways.

II 107, 1131.

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Scale: 1/2500

Application: DOV/00/1000
Lydden

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26. a) DOV/00/1000 TR 271 : 454
- b) **Erection of railings on top of decking at rear of house, 49a Stonehall, Lydden.**
- c) Kent Structure Plan : Policy ENV15
Dover and Western Parishes Local Plan : Policy DC1
Dover District Local Plan : Policy DD1
- d) DO/86/782 - Two pairs of semi-detached houses and garages
- Approved.
- e) P.C.: Views not received.

P.R.: One letter was received expressing concern at the likelihood of overlooking and an invasion of privacy occurring; any fence would be an eyesore and exclude part of a view.

- f) This application relates to an existing raised decking area (constructed without planning permission) to the rear of a semi-detached dwelling and which is served by patio doors and steps rising from the lower garden. The decking is 3.92 metres in width and 3.96 metres in length and is set back from the boundary fence at 0.54 metres. The actual boundary fence is 1.53 metres high. The applicant seeks to enclose the decking area for reasons of safety; condition (ix) pursuant to planning decision notice DO/86/782 states that planning consent is required for any means of enclosure such as railings or something similar.

The proposal seeks the retention of the decking and the erection of railings measuring 840 millimetres high and includes a 1.8 metres high by 2.00 metres long screen to provide privacy for both the applicants and the residents of the adjoining property.

In assessing the proposal consideration has been given to its impact on residential amenities, especially in response to concerns raised about overlooking and privacy. There would be a degree of overlooking towards neighbouring residences but this could be restricted by the erection of a screen. No details of the screen were provided at the time of the submission of the application but this feature will need to be sympathetic in visual terms. A trellis lattice fence may well be suited but climbing plants take time to establish.

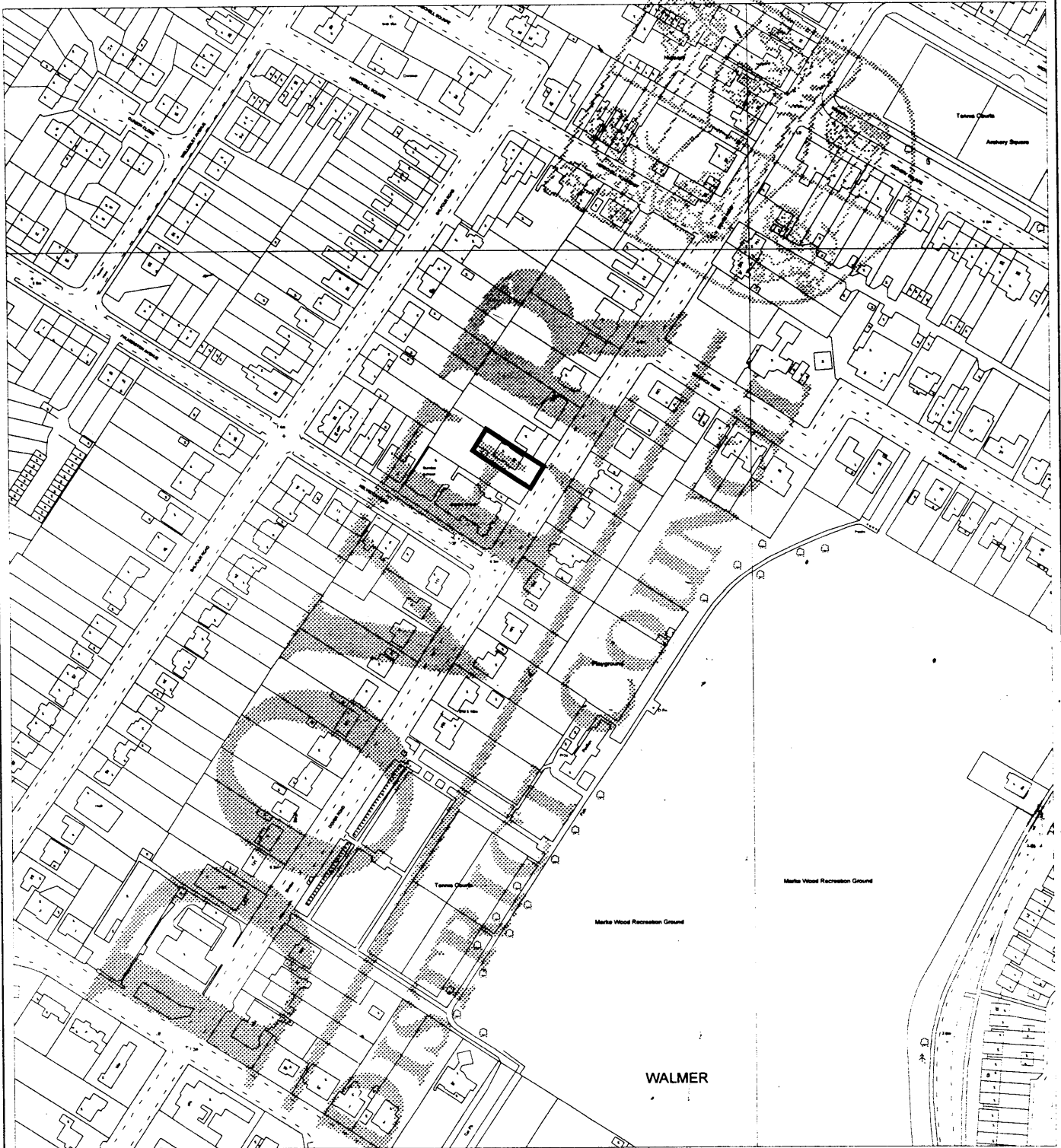
Overall, it is considered that the proposal is acceptable subject to the submission of details on the form of screening that is to be provided.

It is recognised that the granting of planning permission may result in interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the rights of the applicants under the same Articles. It is not considered that any issues identified in this report relating to the proposed development are such as to override the condition that planning permission may be granted, subject to conditions, in the public interest.

- g) I PLANNING PERMISSION BE GIVEN SUBJECT TO:- (i) DP01; (ii) MA05V.

II 107.

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Scale: 1/2500

Application: DOV/00/1003
Walmer

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27. a) DOV/00/1003 TR373 : 509
- b) **Insertion of dormers in side roof slopes, 55 Dover Road, Walmer**
- c) Kent Structure Plan : Policy ENV15
Dover District Local Plan : Policies DD1 and DD8
- d) CH/1/63/39 - Erection of house - Planning permission granted.
- e) P.C.: No objections.

P.R.: One letter of objection received on the grounds that the dormer will restrict the amount of light that enters the neighbouring kitchen window and that it would be possible to look straight into the front bedroom of the neighbouring property. It is understood that the window in the dormer will be obscured glass, but this could easily be changed in the future, and this type of window opens.

f) The Site and the Proposal

The application site lies on the north western side of Dover Road, adjacent to a dwellinghouse on one side and the Baptist Church and associated outbuildings on the other. There is a parcel of grassland between the site and the Church which is contiguous with the applicant's garden. The existing house dates from the 1960s with elevations of a dark grey brick, tile hanging and white weatherboarding under a grey pantile roof. It is positioned gable-end to the road. The adjoining house to the north dates from the same period, but otherwise development in the vicinity is of varying ages and traditional forms and detailing.

The application seeks planning permission for dormer windows in the side roof slopes, with their cheeks facing the road. They would be faced in white weatherboard. The roofs of the dormers would be flat and felt covered.

The accommodation to be provided within the roof and the dormers would comprise a bathroom on the northern side with an obscure glazed window, and two bedrooms and a dressing room on the southern side. The latter accommodation would require a dormer accompanying most of the length of the roof, while the former would have a much smaller dormer. The plans will be displayed.

Policy Context

The policies relevant to this case are listed at c) above.

Policy ENV15 of the Kent Structure Plan seeks to limit development to that appropriate in design and to respect its setting.

Policies DD1 and DD8 of the emerging Local Plan seek to ensure that applications for extensions are acceptable in terms of their design, scale, massing and form and do not adversely affect the amenities of neighbouring properties.

Assessment

The principal planning considerations in this case are whether the design is appropriate for the locality and whether the proposal would have an adverse effect on the amenities of any neighbouring property.

While neither dormer would face the road, that to the south side would be plainly visible from public viewpoints on this principal approach to Deal, by virtue of the substantial gap between the dwelling and the adjoining Church. While the existing dwelling is unremarkable, the proposed dormer (plans will be on display) would clearly be at variance with the architectural style of the existing dwelling, particularly in view of its size. Furthermore, the proposal would be out of character with the generally traditional style of architecture in the vicinity; although there are dormers in the roadside elevations to the bungalows to the south, beyond the Church, these are generally of an appropriate scale and integral with the original design.

There would be no adverse effect on the privacy of neighbouring properties from windows in the dormers. The objection relates to the small dormer window on the north side of the dwelling. This would not take away a significant amount of light sufficient to justify the rejection of the proposal; the window that the neighbour believes would be affected is a bedroom window in the side elevation at first floor level, significantly below the new window and some 7.5 metres further forward. Nor would the window in this dormer, which would serve a bathroom, cause loss of privacy as long as it is obscure glazed and opens only above eye-level.

In conclusion, it is not considered that the proposal would harm the amenities of any neighbours; however, refusal is recommended on design grounds as the dormer to the south side would be a substantial and prominent feature out of keeping with its surroundings.

It is recognised that the refusal of planning permission may result in an interference with the rights of the applicant as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The issues relating to the proposed development, as identified above, are important material planning considerations and cannot be overcome by approving the application subject to conditions. The recommendation of refusal is justified in the public interest. It does not place a disproportionate burden on the applicant and would not constitute a violation of his rights.

- g) I PERMISSION BE REFUSED on the grounds: The proposal would be a prominent and substantial addition to the dwelling, out of character with the architectural style of both the existing dwelling and other development in the locality and, accordingly, would be detrimental to the visual amenities of the locality and contrary to the provisions of the Kent Structure Plan, in particular Policy ENV15 thereof, and the Dover District Local Plan, in particular Policies DD1 and DD8 thereof.

II 107, 1131.

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Scale: 1/2500

Application: DOV/00/1007
Deal

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28. a) DOV/00/1007 TR 3771 : 5273
- b) **Stationing of three temporary portable buildings for bank branch with external ramp and steps - part of Middle Street Car Park, Middle Street, Deal.**
- c) Kent Structure Plan : Policies ENV15 and ENV17
Dover District Local Plan : Policy DD1, HE1 and HE3
- d) No site history.
- e) Highways comments: No objections subject to the car parking section being happy with the loss of car parking space, albeit on a temporary basis. It is understood that the existing bank does not have off-street car parking spaces; accordingly, to set aside any further parking area to cater for the bank within the Middle Street car park would result in the loss of more parking and possibly revenue.

Chief Accountant and Manager: Unlikely that the Council will give permission to place portable buildings for the period requested, but would possibly agree to April to October. Otherwise no problems from a planning perspective.

D. of H. and H.: No observations to make.

T.C.: Observations not received.

f) The Site and The Proposal

The application site comprises approximately 150 sq.m. of the Middle Street public car park in the centre of Deal. Members will be aware that the District Council owns and manages the car park; it is for this reason alone that the application is presented to Planning Committee for its consideration.

The application seeks planning permission to locate three portable buildings in the north-western corner of the car park, to the rear of Nos.62 to 66 High Street and the Royal Leisure Centre in King Street. The buildings would provide temporary branch facilities for the HSBC Bank, whose permanent premises are located at 71 High Street, while renovations are carried out to those premises (a separate application for the renovations in question has been received). The temporary branch would be open from 9.30 am to 5.00 pm Mondays to Fridays; permission is sought for a temporary period extending from 26 December 2000 to 30 September 2001.

Policy Context

There are no Structure or Local Plan policies of direct relevance to proposals of this kind, other than those which seek to secure an acceptable standard of design and layout in conservation areas, as listed at c) above.

Assessment

The principal planning considerations in this case are :-

- the impact of the portable buildings on the character and appearance of the conservation area;

- the effect of the buildings upon neighbouring premises; and
- the loss of car parking spaces associated with the proposals.

Inevitably, the design of the portable buildings is not of a kind which would usually be acceptable in a conservation area. However, the Middle Street car park is well screened from the more sensitive part of the Middle Street Conservation Area, and the position chosen for the portable buildings is not in close proximity to important frontages of listed buildings. Given that the permission is sought for a period of only 9 months and that there is a clear reason for the bank branch having to relocate to the car park, it would not be appropriate for the Council to object to such a proposal on conservation grounds.

In terms of its relationship to surrounding premises, the application is presently insufficiently detailed to ascertain whether any rights of way or entrance doors or windows to surrounding premises would be blocked. The applicants have, therefore, been asked to provide a detailed layout plan showing the precise relationship of the portable buildings to the surroundings and also detailing the number of public car parking spaces to be lost. Should the relationship of the buildings to their surroundings prove to be unacceptable in the light of this plan, it is the intention of officers to negotiate a slight revision to the location of the buildings to overcome any problems. With regard to parking issues, a temporary loss of a small number of car parking spaces in the Middle Street car park should not create any significant problems for the town centre. Nor is it felt that further spaces within the car park should be set aside to cater for the bank branch, as the existing bank premises in High Street do not enjoy off-street car parking facilities.

Members will note that the Council's Chief Accountant and Manager does not agree with the period for which planning permission is sought, and has suggested that the permission should relate to an alternative period, somewhat later than that sought by the applicants. Although this discrepancy between the applicants' intentions and the Council's managerial requirements is not a planning issue, it is obviously common sense to ensure that any planning permission the Council grants relates to a period which the Council in its car park management role is prepared to endorse. The applicants have therefore been asked to reconsider the period for which permission is sought accordingly, in liaison with the Chief Accountant and Manager.

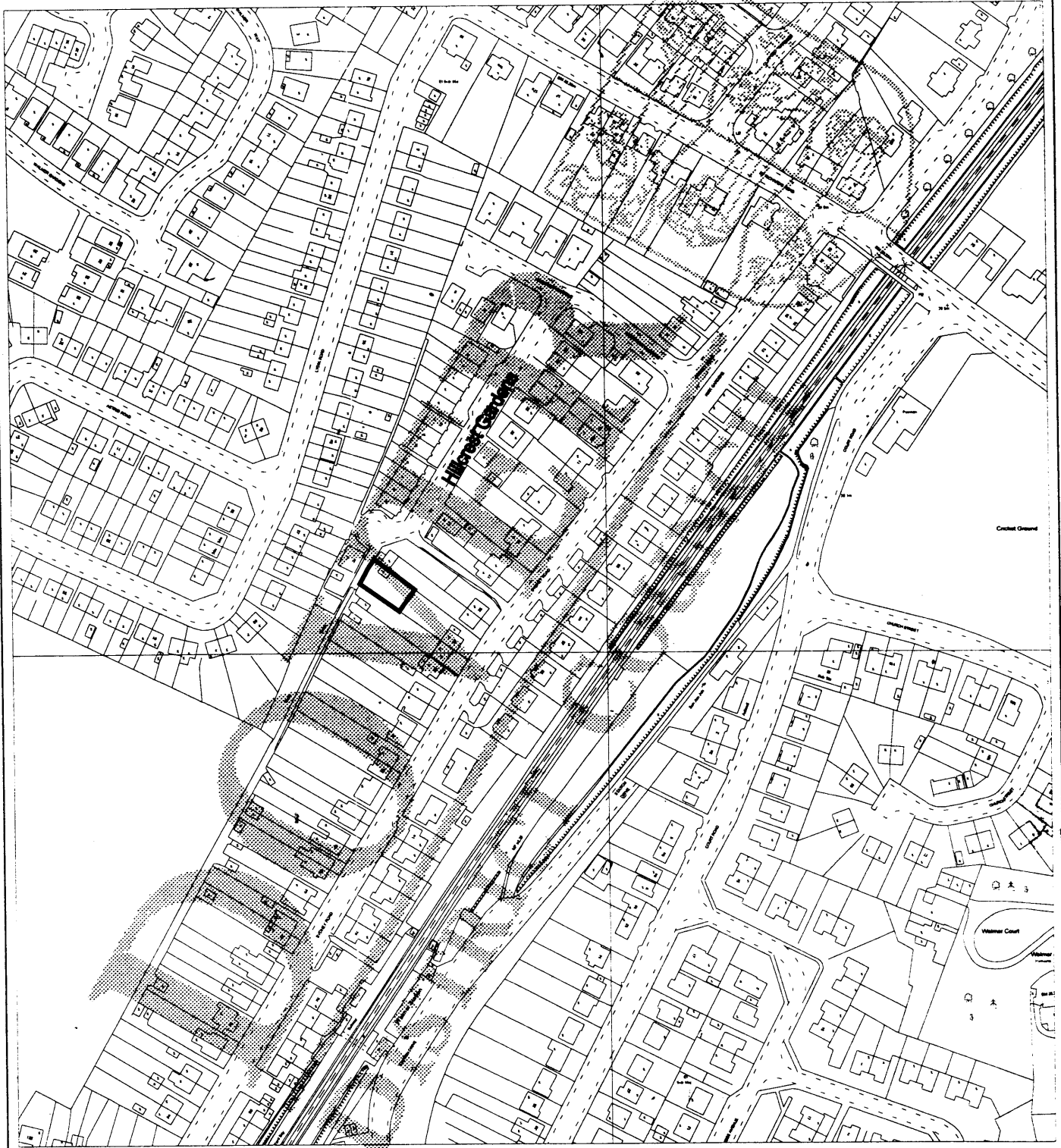
Subject to the resolution of the outstanding matters detailed above, the recommendation is one of approval.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights 1998. This has to be balanced with the applicant's rights under the Article 10. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- I SUBJECT TO the receipt of satisfactory additional drawings and resolution of the period for which permission is sought, GRANT PLANNING PERMISSION Subject to :- (i) TP07V (30.09.2002 or upon the completion of works to 71

High Street, Deal, whichever is the sooner); (ii) DP04; (iii) Any conditions appropriate following the receipt of additional drawings.

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Scale: 1/2500

Application: DOV/00/1013
Walmer

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29. a) DOV/00/1013 TR 3639 : 5051
- b) **Erection of two storey detached dwelling and construction of vehicle access - land rear of 27 Sydney Road, Deal.**
- c) Kent Structure Plan : Policies H3 and ENV15
Dover District Local Plan : Policies HS1 and DD1
- d) No site history.
- e) Highways Comments: The sight-lines are shown the wrong way round on the submitted plans. Other than this, no objections subject to standard conditions and informatives. Further views awaited.

C.A.: The site lies in an area of considerable archaeological potential arising from the finding of a Roman burial further north in Hillcrest Gardens and the proximity of the important multi-period site at Walmer Way to the west. It is therefore recommended that a condition be attached to any grant of planning permission to secure the implementation of a programme of archaeological work in accordance within an approved written specification and timetable.

D. of H. and H.: No observations.

E.A.: No objections subject to standard informatives.

T.C.: Observations awaited.

P.R.: One letter received which makes the following points:-

- Concern regarding overcrowding and access along areas which were never designed to support the level of traffic which has been introduced by recent developments;
- Attention is drawn to a long-running argument with the Council's Highways Division regarding the erection and subsequent removal of a bollard which prohibited movement of vehicles along a right of way separating No. 17 and 25 Sydney Road;
- If planning permission is granted, it is envisaged that yet a further increase in traffic could use this right of way, entering Sydney Road at a dangerous and unsighted position. It is therefore requested that a condition be attached to any grant of the planning permission to impose a restriction on the right of way.

f) The Site and the Proposal

The application site comprises an area measuring 12m x 21m which is presently part of the rear garden of No. 27 Sydney Road. The site frontage abuts a private access road extending from the end of Hillcrest Gardens, and is positioned immediately opposite No. 20 Hillcrest Gardens. To the south-west lies the residential garden of No. 28 Sydney Road and to the north-east a garage and workshop building and the garden of No. 26 Sydney Road.

The application seeks full planning permission for the erection of a two storey detached dwelling on the site. This would be constructed of brickwork with double room roof tiles and hanging tiles to the first floor front elevation. The dwelling would comprise three bedrooms. Windows would be restricted to the front and rear elevations, except for a window to the stairwell in one of the side elevations. The dwelling would be positioned close to the frontage of the roadway extending from Hillcrest Gardens, with parking spaces and a turning area on its forecourt and a detached garage to the side. 2 metre closeboarded fences would be provided on either side of the site. The visibility splays on either side of the access are wrongly shown on the submitted drawings and the applicant has been asked to correct this.

Policy Context

The principle of erecting dwellings on small plots within the Deal Urban Area is established by Local Plan Policies HS1 and DD1 and supported by Structure Plan Policy HE3 and the thrust of PPG3. Those policies which seek to secure an appropriate standard of design and layout for new development are also of direct relevance, as detailed at c) above.

Assessment

The principal planning considerations in this case are:-

- The design of the proposed dwelling;
- The impact of the dwelling on the amenities of neighbours in terms of daylight and overlooking; and
- The impact of the dwelling on road safety.

With regard to design and layout, the dwelling as proposed is acceptable in the context of the site's surroundings. Although within part of an existing rear garden, the dwelling would be well grouped with an existing garage/workshop building in Hillcrest Gardens and a detached residential property directly opposite the site. Whilst some loss of daylight to gardens on either side of the development would be caused by reason of overshadowing, the gardens in question (belonging to properties in Sydney Road) are long, and plenty of garden land would remain unaffected by the shadow. Therefore, loss of daylight does not give grounds for refusing planning permission in this case. With regard to overlooking, windows in the side and front elevations of the proposed dwelling would not create such problems; whilst first floor windows in the rear elevation would look towards the rear properties in Sydney Road, there would be a sufficient distance to ensure that the dwellings themselves and an acceptable proportion of their gardens would retain an acceptable level of privacy. It will be noted that no objections have been received on the grounds or loss of privacy.

With regard to road safety, the means of access to the site and parking provision are acceptable, subject to the revision of the layout plan to properly illustrate the required visibility splays. The issue of the nearby vehicular right of way raised by the objector whose comments are summarised at e) above is presently the subject of consideration by Highways, and a further report will be given on this issue at the meeting. However, it must be borne in mind that,

if the route in question is confirmed as a vehicular right of way, it would be inappropriate and unreasonable of the Council to impose any condition which prevented its use by those entitled to use it. Subject to resolution of these outstanding matters, the recommendation is one of approval.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. This has to be balanced with the applicant's rights under the same Articles. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- g) I SUBJECT TO the receipt of a satisfactorily amended layout plan and the further advice of Highways, GRANT PLANNING PERMISSION SUBJECT TO:- (i) DP01; (ii) DP04; (iii) Conditions recommended by Highways; (iv) AR01; (v) Any other conditions delegated to the Director of Planning and Technical Services.

II Informatives as recommended by Highways and the Environment Agency.

III I07.

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Application: DOV/00/1034
Whitfield

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30. a) DOV/00/1034 TR 306 : 441
- b) **Erection of garage and rear extension, 24 Fulbert Road, Dover.**
- c) Kent Structure Plan : Policy ENV15
Dover and Western Parishes Local Plan : Policies DC1 and DC8
- d) DOV/98/758 - Change of use of land to garden land, erection of garage and formation of driveway - Approved.
- DOV/99/1018 - Erection of rear extension - Refused.
- e) Highways Comments: No objection subject to a condition.

T.C.: No comments received.

P.R.: One letter was received raising concern about the possible conflict between the proposed garage access and a dropped kerb used for vehicles adapted for the disabled.

- f) This application relates to an end of row two-storey dwelling located at the junction of Fulbert Road and a drive nearby to a block of garages. There is a small free-standing shed to the rear of the property identical to others in neighbouring gardens.

The site was the subject of a previous permission for a lean-to garage to the gable of the dwelling. However, a more recent scheme incorporating an extension was refused because of its impact on the adjoining residential property.

The proposal, the subject of this application, is similar to the previous scheme except that the floor layout to the rear has been severely tapered at the corner so as not to infringe the 45° guidelines of the neighbouring property.

Previously no objections were raised in regard to the general amenities of the area, and although the present proposal is somewhat contrived, it is considered that it would not impact on the area generally, and does now meet the necessary design policies relating to neighbours' amenities.

With regard to the third party objection, this relates to highway and traffic issues which have been dealt with by the grant of the first permission for the garage. That permission can be implemented in its own right.

It is considered therefore that permission can now be given.

It is recognised that the grant of planning permission may result in an interference with the rights of third parties as protected by Article 8 and Article 1 of the First Protocol of the Human Rights 1998. This has to be balanced with the applicant's rights under the same Articles. It is not considered that the issues identified as objections to the development raise such concerns as to overcome the conclusion that planning permission can be granted subject to conditions. The recommendation is made, accordingly, in the public interest.

- g) I PERMISSION BE GIVEN SUBJECT TO: (i) DPO1; (ii) MAO1; (iii) PA18.

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