

Public Document Pack



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3 August 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Tuesday 11 August 2020 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. Smith', written over a white background.

Chief Executive

Regulatory Committee Membership:

P M Brivio
S J Jones
D P Murphy (Chairman)
O C de R Richardson (Vice-Chairman)
R S Walkden

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 10 July 2020.

PROCEDURE FOR HEARING (Pages 6 - 8)

The procedure for the Hearing is attached.

5 **LOCAL GOVERNMENT ACT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT** (Pages 9 - 39)

To consider the attached report of the Licensing Team Leader.

Access to Meetings and Information

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Services Officer, telephone: (01304) 872305 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **REGULATORY COMMITTEE** held as a Teams Live Events remote meeting on Friday, 10 July 2020 at 10.00 am

Present:

Chairman: Councillor D P Murphy

Councillors: P M Brivio
S J Jones
O C de R Richardson
R S Walkden

Officers: Solicitor to the Council
Licensing Team Leader
Democratic Services Officer

44 APOLOGIES

There were no apologies of absence received from members.

45 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

46 DECLARATIONS OF INTEREST

There were no declarations of interest.

47 MINUTES

The minutes of the meeting of the committee held on 17 March 2020 were approved as a correct record and signed by the Chairman.

48 DELEGATIONS IN RESPECT OF PROPOSED PAVEMENT LICENCES

The Solicitor to the Council presented the report to the Committee. The report provided members with the actions required should the recently introduced Business and Planning Bill (introduced to support economic recovery and growth as the UK recovered from the disruption caused by Covid-19) receive Royal Assent and Pavement Licences be introduced.

As the draft legislation made no reference as to whether Pavement Licences would be a function to be discharged by the Executive or Council and to ensure that the functions could be discharged in a timely way, it was necessary to request the Regulatory Committee to make delegations to officers should the Bill, when law, make Pavement Licences a Council function rather than an Executive function.

RESOLVED: That on the Business and Planning Bill becoming law, the following officers be authorised to exercise the powers and functions of the Council set out in the table below

Delegation to: Head of Regulatory Services
Public Protection Manager
Licensing Team Leader

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/Limitations/Notes
Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

The meeting ended at 10.21 am.

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

INTRODUCTIONS AND PRELIMINARIES		
1	Chairman	The Chairman invites all present to introduce themselves.
2	Legal Adviser	The applicant is asked to confirm receipt of: <ul style="list-style-type: none"> • the agenda • Licensing Officer's report • Council's policy guidelines • procedure for hearing
HEARING		
3	Licensing Officer	The Licensing Officer: <ul style="list-style-type: none"> • advises of the purpose of the hearing • presents the Licensing Officer's report • summarises any issues
4	Licensing Officer	The Licensing Officer may call any witnesses. Each witness in turn: <ul style="list-style-type: none"> • Will give evidence • May be questioned by the applicant or applicant's representatives • May be questioned by the Committee • May, if necessary, be re-questioned by the Licensing Officer
5	Applicant or applicant's representative	The applicant is asked to present his/her case and any particular issues (including whether the applicant accepts the facts presented or wishes to correct them).
6	Applicant or applicant's representative	The applicant or the applicant's representative may call any witnesses (including the applicant themselves). Each witness in turn: <ul style="list-style-type: none"> • will give evidence • may be questioned by the Licensing Officer • may be questioned by the Committee • may, if necessary, be re-questioned by the applicant/applicant's representative.
7	Members	The Committee may ask further questions of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification.
8	Licensing Officer	The Licensing Officer may give their final submission.
9	Applicant or applicant's representative	The applicant/applicant's representative may give their final submission.

DETERMINATION		
10	Members	The Committee withdraws to consider in private. The Legal Adviser and Clerk may be invited to assist the Committee.
11	Members	If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the whole of the proceedings must not take part in the decision making.
12	Legal Adviser	The Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant.
13	Chairman	The decision of the Committee is given to all parties.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.

Subject:	Local Government (Miscellaneous Provisions) Act 1982 – Application for Street Trading Consent
Meeting and Date:	Regulatory Committee – 11 August 2020
Report of:	Rebecca Pordage – Licensing Team Leader
Classification:	UNRESTRICTED

Purpose of the report:	To consider an application for a Street Trading Consent
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Recommendation:	That the Committee consider the report
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1 Summary

- 1.1 Donna Anson has applied to the Council for permission to trade from a 16ft x 7ft catering trailer situated at Ramyar Car Wash Forecourt, Ferry Approach, Maison Dieu Road, Dover.
- 1.2 There were complaints that an unlicensed catering trailer was trading at the location, therefore a visit was made by licensing and this application is as a result of Ms Anson being made aware that a Street Trading Consent is required.

2. Introduction and Background

- 2.1 The Council controls street trading having adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

- 2.2 Paragraph 1 of Schedule 4 to the Act states

that: “street” includes –

(a) any road, footway, beach or other area to which the public have access without payment”

- 2.3 With effect from 1 April 1994 Dover District Council passed a resolution to designate a number of streets within the district as ‘Consent Streets.’

In a Consent Street, street trading is prohibited without the consent of the district council.

The area requested is Maison Dieu Road, Dover which is designated a Consent Street. A list of all the designated consent streets within the District is included within the Street Trading Guidance Notes shown at **Appendix A**.

- 2.4 In relation to street trading consents, Paragraph 7(2) of Schedule 4 of the Act states that: “...the Council may grant consent if they think fit.”

Paragraph 7(10) goes on to say that:

“a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.”

- 2.5 Donna Anson has applied to the Council for permission to trade from a food trailer situated in the Ramyar Car Wash Forecourt, Ferry Approach, Maison Dieu Road, Dover.

The application is to trade at the following times:

Monday – Saturday	8am – 5pm
Sunday	10am – 4pm

Following a telephone call with the applicant it was confirmed that the application is to sell hot and cold food, including teas and coffees, cold drinks, burgers, hot dogs, bacon rolls etc.

A copy of the application is shown at **Appendix B**.

A copy of the location plan is included at **Appendix C**.

- 2.6 Following receipt of a valid application on 2 July 2020, a 28 day consultation exercise was conducted with notices posted to properties in the vicinity of the proposed site and consultation with the Highways Authority, Dover Town Council, Kent Fire & Rescue, Kent Police and various internal Council departments.

- 2.7 20 representations were received during the consultation period objecting to the application. Four of the representations received before the end of consultation date have not been published due to not receiving consent from the person making the representation. These were in a similar vein to the other representations.

- (1) Stephen Courts from DDC Environmental Health is concerned about the close proximity to a residential garden with regards to odours.
- (2) Robby and Fleur Whitfield object on the grounds that this is a conservation area, and planning concerns.
- (3) Derek Leach is concerned that the business will be operating in close proximity to listed buildings, and the lack of planning permission. He is also concerned it will attract customers to what is a busy junction.
- (4) Denise Smith objects on the grounds that this is a conservation area, and therefore not a suitable location. She is also concerned about food smells, litter and that it is a major traffic hub.
- (5) John Wiggell objects on the grounds that this is a conservation area, and there are planning issues.
- (6) P G Sherratt objects on the grounds that this is a conservation area, there are planning issues and concerns about cooking smells.
- (7) Christine Pike objects on the grounds that this is a conservation area.
- (8) Petra Riemenschneider objects on the grounds that this is a conservation area and there are planning issues.

- (9) Louis Melville objects on the grounds that there is no planning permission in place, that it is a conservation area, in close proximity to listed building, that the business will cause nuisance to neighbouring properties, and the local residents human rights will be breached.
- (10) Diane French objects on the grounds that this is a conservation area, the listed buildings, has concerns about noise, odours, litter and general disturbance. Also that this site is close to a pedestrian crossing.
- (11) Alistair Dimech objects on the grounds that this is a conservation area and is concerned about cooking smells and waste. He notes there is already a food van less than 100 yards away.
- (12) Jeremy and Sheila Cope object on the grounds that this is a conservation area and they are concerned about smells, noise and that there are already sufficient outlets in the area.
- (13) Julia Stavrietsky says that her family will be directly affected by this proposal it being adjacent to her property. When trading without a licence, the food smells made it impossible to have windows open within her property. Also states that this is a conservation area, and there are planning issues.
- (14) Stuart Fox objects on the grounds that this is a conservation area and is also concerned about litter and food smells.
- (15) Janet Dagsys objects on the grounds that this is a conservation area, the van would degrade the area and there are enough such outlets in the area.
- (16) Sarah Dimech objects on the grounds that this is a conservation area and is also concerned about planning issues and the human rights of the local residents.

2.8 Copies of the representations are included at **Appendix D**.

2.9 As the majority of the representations refer to Planning consent issues, the views were sought of the Planning Department. Their response is shown at **Appendix E**.

3 **Options available to the Committee:**

- (a) To grant the street trading consent to be issued for a period not exceeding 12 months (with or without conditions).
- (b) To refuse street trading consent.

Members should have regard to criteria at page 6 of Appendix A in coming to their decision. The Committee may choose to issue the consent for a period shorter than 12 months.

4 **Appendices**

Appendix A – Street Trading Guidance Notes including a list of designated consent streets.

Appendix B – Application
Appendix C – Location plan
Appendix D – Representations
Appendix E – Planning response

4 **Background Papers**

Local Government (Miscellaneous Provisions) Act 1982
Dover District Council Street Trading Guidance Notes

Contact Officer: Rebecca Pordage, Licensing Team Leader. Ext.42279



DOVER DISTRICT COUNCIL

STREET TRADING GUIDANCE NOTES

STREET TRADING

Statutory Powers

Street trading is controlled by an adoptive code contained in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. The code was adopted by the Council on 12 October 1963. Having adopted Schedule 4 the Council may by resolution designate any street (a) a prohibited street, (b) a licensed street or (c) a consent street.

Definitions

Prohibited Street:	This is a street in which trading is prohibited.
Licensed Street:	This is a street in which street trading is prohibited without a licence granted by the District Council.
Consent Street:	This is a street in which street trading is prohibited without the consent of the District Council.
Street:	Includes any road, footway, beach or other area to which the public have access without payment.
Street Trading:	Means, subject to certain exemptions, the selling or exposing or offering for sale of any article.

Exemptions

The following types of trading are excluded from the definition of street trading and those traders are not required to obtain a licence or consent. They may also trade in a street designated as a prohibited street:-

- (a) Trading by a person acting as a pedlar.
- (b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order.
- (c) Trading in a trunk road picnic area.
- (d) Trading as a news vendor subject to a restriction upon articles sold and the type of stall used.
- (e) Trading which is carried on at petrol filling stations or at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- (f) Roundsmen
- (g) The use for trading under the Highways Act 1980 of an object or structure placed on, in or over a highway (pavement cafes etc.).
- (h) The operation of facilities for recreation or refreshment under the Highways Act 1980.
- (j) Street collection.

Essential Differences

The main differences between the two types of street designation are as follows:-

<u>Licensed</u>	<u>Consent</u>
(1) District Council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act.	District Council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
(2) District Council may only revoke or refuse to renew a licence on the statutory grounds relating to principle terms (i.e. days, times, articles for sale).	No statutory limitation on a District Council's power to revoke or refuse to renew a street trading consent.
(3) Before a District Council may vary a principle term of a street trading licence or before it may refuse to grant or renew or revoke a street trading licence it must first invite the applicant/licence holder to make representations and then afford that person a reasonable opportunity to make those representations.	No notice requirements apply to a street trading consent.
(4) Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Schedule.	There is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
(5) A licence holder may be prosecuted for a breach of the "principle terms" which relate to the street in which the days and times upon which and the articles in which the holder trades.	A street trading consent holder may only be prosecuted for a breach of a condition where he trades from a stationary van, cart, vehicle or from a portable stall in a place or at a time not included in the consent, or for breach of the condition relating to the positions and times in which he may trade but not for a breach of a condition relating to the type of article to be sold.
(6) A District Council may recover from a licence holder such reasonable charges as they may determine for the collection of refuse and the cleansing of streets etc.	A District Council may not charge the holder of a street trading consent for the collection of refuse and cleaning of streets etc.
(7) Where a licence is surrendered or revoked the Council has a discretion to remit or refund any fee paid to it.	Where a consent is surrendered or revoked a Council is under a duty to remit or refund the whole or part of any fee paid for the consent.
(8) The consent of the Highway Authority is necessary for the designation of a street as a licensed street.	Highway Authority consent is not required before the designation of a street as a consent street

Street Trading Licences (Street Markets)

Broadly speaking the licensing system is designed to cover street markets. It is rather complex and has been designed in an attempt to maintain a balance between the needs of stallholders who are dependent upon street trading for their livelihood and those of the Council.

Unless previously revoked or surrendered a street trading licence remains valid for a determined period not exceeding 12 months.

Street Trading Consents (Itinerant Traders)

Street trading consents provide a separate form of control than the licensing system with no rights of appeal for the trader. It is intended to cover the activities of itinerant traders ranging, for example, from the single flower seller with a basket to the ice-cream vendor or hot dog stall.

The Council may attach to a consent such conditions as they may consider reasonably necessary including conditions designed to prevent obstruction of the street or danger to persons using it or nuisance or annoyance (whether to persons using the street or otherwise).

If a street trading consent includes permission for its holder to trade in a consent street either (a) from a stationary van, cart or other vehicle or (b) from a portable stall it may be made subject to conditions as to where and the times between which or periods for which trading may take place.

A street trading consent may be granted for any period not exceeding 12 months and may be revoked at any time.

General Provisions

The holder of the street trading licence or consent may employ any other person to assist him in his trading without a further licence or consent being required subject to no such person being under 17 years of age.

A decision by the Council to designate a street is not irrevocable if one form of control or the absence of it proves inappropriate a new resolution may be made.

Designation Procedure

Before designating a street under any of the three categories mentioned notice of such intention has to be published in a local newspaper and a copy served on the Chief Officer of Police and the Highway Authority, the consent of the Highway Authority being required in the case of licensed streets. A period of not less than 28 days must be given for the submission of representations and these have to be considered by the Council before proceeding, if they think fit, to pass the proposed resolution. Public notice has also to be given of the passing of the resolution and the date specified for the coming into force of the designation must be not less than 28 days after the first publication of that notice.

Fees

The level of fees set by the District Council for the grant or renewal of a street trading licence or consent need not be restricted to the recovery of the cost of administration. The Council may set different fees relating to the duration of a licence or a consent and relating to the street and articles to be sold recognising that market forces may be taken into consideration to a certain extent in determining the different fee levels. Whilst there is no requirement to publish notice of fees payable for the issue of a licence or consent a District Council must give notice to the licence holders and publish notice of fees to be charged for the cleansing etc. of street and any variations thereof.

Offences

A person who:-

- (a) Engages in street trading in a prohibited street.
- (b) Engages in street trading in a licensed street or a consent street without being authorised to do so.
- (c) Contravenes any of the principal terms of a street trading licence.
- (d) Being authorised by a street trading consent to trade in a consent street:
 - (i) trades from a stationary van, cart, barrow or other vehicle
 - or
 - (ii) from a portable stallwithout first having been granted permission to do so.
- (e) Contravenes certain conditions shall be guilty of an offence, subject to a statutory defence.

In addition a person who, in connection with an application for a street trading licence or consent, makes a false statement which he knows to be false in any material respect or which he does not believe to be true shall also be guilty of an offence.

LICENCE\MISC\ST-GN

DOVER DISTRICT COUNCIL - PRESENT POSITION

In order to obtain the benefit of greater flexibility the District Council has designated those streets or parts thereof, together with any road, footway, beach or other area detailed in Appendix A to which the public has access without payment which is adjacent to the street or part of it.

In addition every other street adjoining any street referred to in Appendix A for a distance of 20 metres from its junction with each such designated street have also been designated as consent streets.

The Council has, on individual application, also designated additional streets as consent streets for specific dates in connection with Deal and Dover carnivals and Deal braderie.

Criteria

All applications for consent will be considered on their merits but regard will be had to the following criteria:-

- (a) In the case of persons wishing to trade on a commercial basis the goods to be sold should usually be restricted to food, beach goods and souvenirs.
- (b) Consents should not be granted when there already exists sufficient retail outlets in the area.
- (c) Consent should not be granted if there is insufficient space and undue inconvenience and interference to pedestrians or road users will be caused or where to do so would be prejudicial to highway safety.
- (d) The Council should be satisfied as to the suitability of the applicant.
- (e) That street trading should only be permitted to take place between specified hours.

Roundsman

For the purposes of exemption "Roundsman" has been defined as follows:-

A person who regularly travels a set route making deliveries to regular customers at their home.

Consent Conditions

Details of the general conditions applying to a consent are attached at Appendix B.

Fees

The Council has established the following criteria in respect of fees.

- (i) The annual fee should be such that the costs of the service are met by the users thereof.
- (ii) A daily fee is also payable in respect of one off applications.
- (iii) Local carnivals, braderies and tourism promotions - to be determined by Officer in consultation with Co-Chairmen of the Technical Services Committee.
- (iv) Registered charities - no charge.

In the event of an application being refused the whole fee is refunded and in those cases where consent is prematurely surrendered or revoked a proportion of the fee relating to the unexpired completed months is refunded upon request.

Determination of Applications

Applications must be made on the correct form (Appendix C) and be accompanied by the appropriate fee.

The Council will seek the views of the Chamber of Trade, Town Council, Local Police and any other organisation that may be deemed appropriate prior to the matter being placed before the relevant Committee of the Council. As meetings of the Committee are some weeks apart time scales should be discussed with the relevant member of staff.

Consents

Consents are issued for a maximum of 12 months and applications for renewal should be made in good time.

If you sell the business that has the benefit of a street trading consent you must notify the Council immediately. The new owner of the business must apply to the Council for consent.

A consent holder may employ other persons to assist in his trading without further consents being required.

Enforcement

The Licensing Team Leader is empowered to revoke consents in the event of a breach of conditions or institute legal proceedings against anyone trading in a designated consent street without the benefit of a valid consent.

The submission of an application for consent does not permit trading.

White Cliffs Business Park
Dover
Kent
CT16 3PJ

DOVER DISTRICT COUNCIL
DESIGNATED CONSENT STREETS

Deal

Albert Road
Alfred Square (High Street to Alfred Row)
Beach Street
Broad Street
Court Road
Cornwall Road
Deal Castle Road
Dover Road (Ripple Road to The Strand)
Duke Street (High Street to Robert Street)
Farrier Street (High Street to Middle Street)
George Alley
Gilford Road
Godwyn Road
Golf Road (Godwyn Road to Western Road)
Granville Road
Griffin Street (High Street to George Street)
Hamilton Road
High Street
Ivy Place
King Street
Kingsdown Road
London Road (Queen Street to Sholden New Road)
Manor Road
Marine Road
Marina, The
Market Street (High Street to Middle Street)
Middle Deal Road
Middle Street (King Street to Market Street
King Street to Middle Street Car Park
Broad Street in southerly direction for 20 metres
South Street in northerly direction for 20 metres)

Mill Hill
Mill Road
Mongeham Road (London Road to St Richards Road)
New Street
Oak Street (High Street to Middle Street)
Park Avenue
Park Street (High Street to eastern boundary of No. 4)
Peter Street
Prince of Wales Terrace
Promenade (From junction of The Marina/Beach Street to southern boundary of Deal Castle)
Queen Street
St George's Road (High Street to western boundary of Town Hall Car Park)
St Georges Passage
St Richards Road
Salisbury Road
Sondes Road

South Court
South Parade
South Street
Stanhope Road (High Street to eastern boundary of Astor Theatre)
Station Road (Dover Road to Court Road)
Strand, The
Union Road (High Street to western boundary wall of Union Road Car Park)
Victoria Parade
Victoria Road
Water Street (High Street to Robert Street)
Wellington Road (High Street to eastern boundary wall of No. 27)
Western Road

Dover

A20 (Eastern Dock to Court Wood Interchange)
Alkham Road (Abbey Road to London Road, Temple Ewell)
Astor Avenue
Barton Road
Beaconsfield Avenue
Beaconsfield Road
Bench Street
Biggin Street
Bridge Street
Brookfield Avenue (Whitfield Avenue to Buckland Avenue)
Buckland Avenue
Cambridge Road
Camden Crescent
Cannon Street
Castle Hill Road (Maison Dieu Road to Upper Road)
Castle Street
Chapel Lane
Charlton Green (Frith Road to Maison Dieu Road)
Cherry Tree Avenue
Chilton Way
Church Street
Coombe Valley Road
Connaught Road
Crabble Hill
Crabble Road
Dieu Stone Lane (Cannon Street to bridge over the River Dour)
Dolphin Lane
Dolphin Passage
Dolphin Place
Duoro Place
Eaton Road
Edwards Road
Effingham Crescent
Elms Vale Road (Elms Hill to Folkestone Road)
Esplanade
Fishmongers Lane
Flying Horse Lane
Folkestone Road (Little Farthingloe Farm to Priory Road)
Frith Road
Gaol Lane
High Street

Honeywood Road
King Street
Ladywell
Last Lane
Lewisham Road
London Road, Dover
London Road, River
London Road, Temple Ewell (Railway Bridge to London Road, River)
Maison Dieu Place
Maison Dieu Road
Marine Parade (Waterloo Crescent to Townwall Street)
Market Square
Market Street
Melbourne Avenue
Mill Lane
New Bridge
New Street
Park Avenue
Park Place
Pencester Road
Peter Street
Priory Hill (High Street to the western boundary of the United Reformed Church)
Priory Road
Priory Street
Queen Street
Queens Gardens
Russell Street
St James Lane
St James Street
St Mary's Passage
Snargate Street (Service Road)
Stembrook
Tavernors Lane
Tower Hamlets Road
Tower Hamlets Street
Unnamed road between Cambridge Terrace and Waterloo Crescent
Victoria Crescent
Waterloo Crescent
Wellesley Road
Whitfield Avenue
Whitfield Hill
Wood Street
Woolcomber Street
Worthington Street
York Street

NB. The promenade of Dover has been specifically excluded from consent street provisions but the prior approval of the Dover Harbour Board is required.

Sandwich

All streets within area bounded by The Butts, Millwall, Ropewalk, The River Stour and The Guestling Stream

The Ash Road (A257) (Town Wall to Sandwich Bypass)

Deal Road (Dover Road to Sandwich Bypass)

Dover Road (Town Wall to Deal Road)

Ramsgate Road (High Street to Sandwich Bypass)

Woodnesborough Road (Town Wall to Sandwich Bypass)

CCGENST-GN

STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENT

1. The consent is personal to the trader and is not transferable.
2. The holder may only site the permitted structure at the approved location(s).
3. A plate bearing THE NAME OF THE HOLDER AND THE NUMBER OF HIS CONSENT or a copy of the consent, shall be shown in a conspicuous plan.
4. The holder may only trade between the approved times.
5. The holder may only sell articles approved by the Council.
6. The holder shall indemnify the District Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall if required maintain a public liability insurance policy with a limit of indemnity of up to £5 million. The holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
7. The name and address of all employees shall be notified to the relevant local Police Station at least 48 hours before the commencement of the period of employment.
8. All employees must be issued with an identification/authority card.
9. No person under the age of 17 years shall engage or be employed in street trading.
10. Suitable fire extinguishers shall be provided in appropriate cases.
11. A suitable first aid box shall be provided.
12. The prior consent of the Council shall be obtained to the use of temporary electrical fittings and such fittings are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public and all electrical lampholders within reach of the public shall be kept fitted with lamps or otherwise protected.
13. The holder shall take all reasonable and proper precautions for the safety of all other persons using the street(s) and to prevent danger to persons using the street(s).
14. The consent holder shall not cause any nuisance or annoyance howsoever arising to the occupiers of the adjoining properties or to any person using the said properties or adjoining streets, nor shall he cause any obstruction of the highway.
15. The consent holder shall comply with the reasonable requests of a duly authorised officer of the Council to take such action as is considered necessary to abate any nuisance or obstruction.
16. Public highways shall be maintained in a clean condition during each days trading and all rubbish and waste paper accumulated throughout the daily operation of this consent shall be removed at the end of each days trading.

17. The consent holder shall observe perform and comply with all relevant statute law, common law and bye law provisions, including Road Traffic Regulation Orders made by the Highway Authority.
18. The prior approval of the local police is needed in connection with the entry into pedestrian areas of any vehicle associated with the consent.
19. Any vehicle or stall etc. used in connection with the operation of this consent shall comply with all relevant food hygiene and health and safety legislation.
20. Any vehicle used in connection with the operation of this consent shall be properly taxed, have a valid certificate of motor insurance and, where appropriate, a valid M.O.T. Certificate.
21. The consent holders vehicle shall not wait for the purposes of loading in any residential street for a period of longer than 30 minutes in any period of 3 hours.
22. The issue of a street trading consent shall purport to grant to the holder any other licence or permission required under any other enactment or requirement.
23. A consent may be surrendered at any time.

CCGENST-GN

Useful contacts:

Environmental Health Food Safety Team: 01304 872216

http://www.dover.gov.uk/environment/environmental_health/food_safety.aspx

Kent County Council Highways: 08458247800 (ask for Roadworks Team)

www.kent.gov.uk

Trading standards: <http://www.tradingstandards.gov.uk/kent/contact.htm>

For information on starting up a business: <https://www.gov.uk/>

DOVER DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR STREET TRADING CONSENT

APPLICANT

SURNAME:	Anson
FIRST NAME(S) in full	Donna
TRADING AS PERMANENT ADDRESS	Tardis Takeaway 5 Fulbert Road Dover
COUNTY	POST CODE CT162EE
TELEPHONE NO:	Code ([REDACTED]) [REDACTED]
DATE OF BIRTH:	[REDACTED]

TRADING DETAILS

NAME OF STREET(S):	Ferry Approach Maison Dieu Road
DATES OF TRADING:	From 22/06/2020 8am-5pm Mon-Sat, 10am-4pm Sun
BETWEEN THE TIMES:	AND
DESCRIPTION OF ARTICLES TO BE SOLD:	Hot And Cold food and drink We are registered with Environmental Health and have moved from B&Q car park to the address below.

Is any cart, barrow, stationary van or other vehicle or portable stall to be used in connection with the trading of the above articles: YES/NO Yes	
IF YES (i) SPECIFY TYPES:	Catering Trailer
(ii) GIVE DETAILS INCLUDING DIMENSIONS:	Excel Type Approved Catering Trailer 16ft x 7ft
(iii) DETAIL PRECISE LOCATION REQUIRED:	Ramyar Car Wash Forecourt Ferry Approach Maison Dieu Road
(iv) REGISTRATION NO. (if appropriate):	n/a

HAVE YOU SOUGHT THE ADVICE OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF FOOD HYGIENE AND HEALTH AND SAFETY MATTERS

YES/NO Yes

IF YES, PLEASE ATTACH COPIES OF RELEVANT CORRESPONDENCE

HAVE YOU EVER BEEN REFUSED A STREET TRADER'S LICENCE OR CONSENT IN THIS OR ANY OTHER AREAS?

YES/NO No

IF YES, PLEASE GIVE DETAILS

HAVE YOU EVER BEEN CONVICTED OF ANY OFFENCE INVOLVING DISHONESTY, VIOLENCE OR FOOD MATTERS. IF YES, PLEASE GIVE DETAILS

YES/NO No

* I DECLARE THAT I HAVE CHECKED THE INFORMATION GIVEN ON THIS APPLICATION FORM AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS CORRECT.

~ I ENCLOSE £490.00 BEING THE APPROPRIATE FEE (£130 FOR AN OCCASIONAL)

~ TWO RECENT PHOTOGRAPHS OF MYSELF (PHOTOS CAN BE TAKEN AT THE OFFICES BY PRIOR APPOINTMENT)

~ WRITTEN APPROVAL FROM THE OWNER OR OCCUPIER OF ANY PRIVATE LAND FORMING PART OF THE APPLICATION

SIGNED:



DATED:

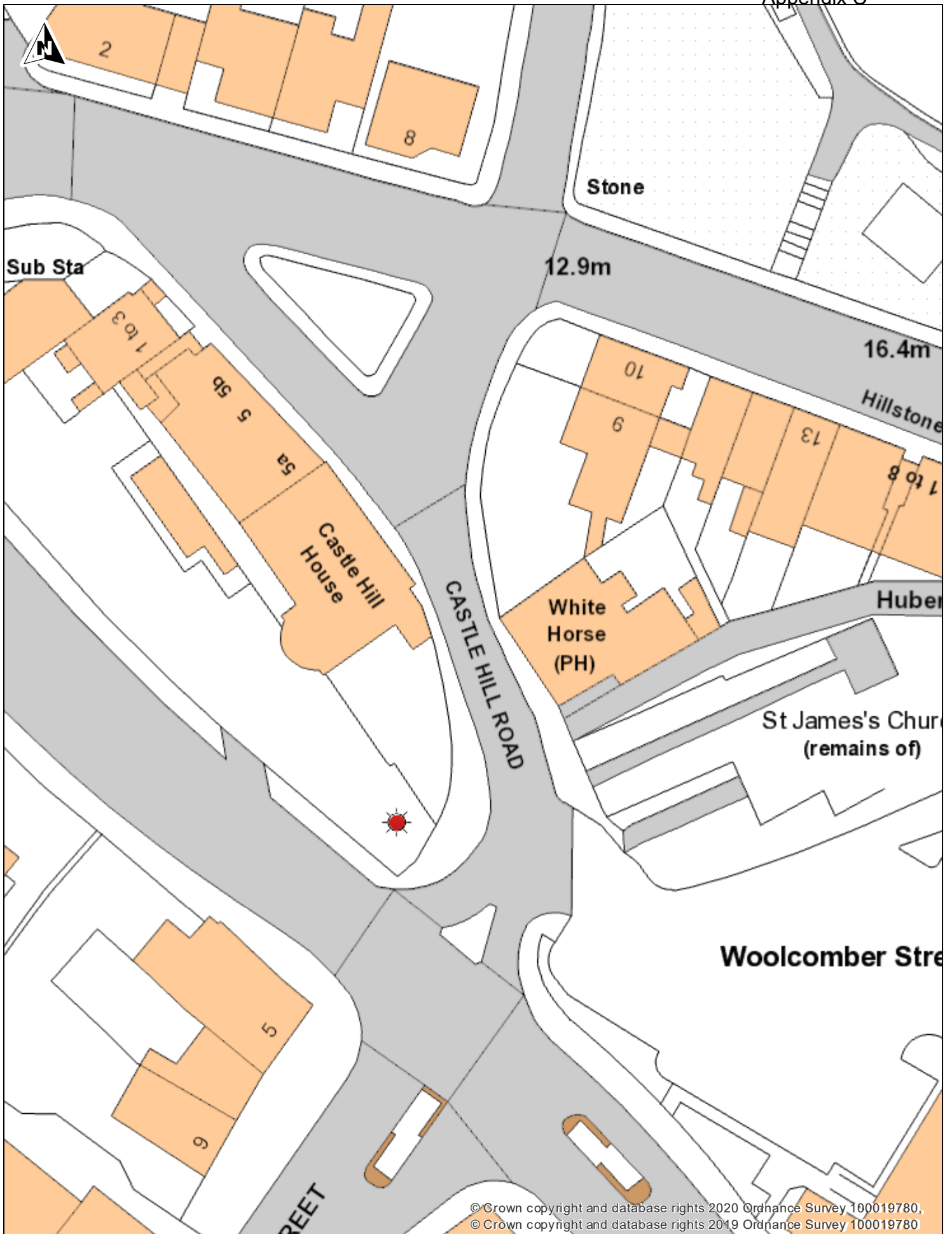
19/06/2020

NOTE:

If any person makes a false statement or omits any material particular in giving the foregoing information knowingly he shall be guilty of an offence under Paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on the form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

LICENCE\MISC\STAPPL



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Title: Dover District Council

Author: Dover District Council

Scale 1:500

Map Dated: 01/07/2020

Dover District Council
 Honeywood Close
 White Cliffs Business Park
 Whitfield
 DOVER
 CT16 3PJ



1) Stephen Courts

I have considered this application and have visited the site, noting the proposed location of the hot food and drink outlet.

The proposed location is immediately adjacent to a residential garden. As such, I have concerns regarding the potential for cooking odours to affect the amenity of the garden and **object** to the application.

Environmental Health
Dover District Council

2) Robby Whitfield

I would like to strongly object to this application as this is in a conservation area. I would have thought they would additionally need a planning application for this, which is very unlikely as they are proposing to be located very close to a grade2* listed building, the only residential one in Dover and a building that should be cherished. Perhaps they could move this to another part of town.

Robby & Fleur Whitfield
Central Photography
10 Victoria Park
Dover Kent
CT16 1QR

3) Derek Leach

I wish to object to this application for the following reasons:

The site is close to a Grade II Star listed building – less than a foot from the curtilage of Castle Hill House which is Dover's only residential Grade II* Listed Building.

It would operate within thirty feet of the St James Church ruin and White Horse Public House, both Grade II Listed Buildings.

This Street Trading operation needs not just a Street Trading Consent to trade on the site, it also needs planning permission. At this time, there is no such planning permission.

The site would attract customers both in cars and on foot at a very busy traffic junction.

24 Riverdale
River
Dover CT17 0QX

4) Denise Smith

With regard to the Street Trading Licence applied for, as detailed below, I object in the strongest possible terms. This is in a conservation area and next to one of the best historic homes in Dover and adjacent to our wonderful monument, St James Church.

This clearly is NOT the place for such a venture.

The smell of cooking and the possibility of people lurking around there, dropping litter and encouraging vermin on one of the major traffic hubs in Dover is ridiculous, not to mention the fact that there are restaurants and cafes within a few yards of the venue makes this a very ill thought out plan.

Local residents already feel upset that a car wash has opened up again in that venue, and would much prefer that a legitimate and useful business could use that prime retail site. Having been soaked when passing on the pavement, it is with regret we saw this re-opened. To place a burger van in this venue just adds to the disappointment. Whilst understanding there is a market for street food, a Conservation area, with a very busy road and multiple turnings is definitely not a suitable place especially as there is not a great footfall on that pavement, other than residents or people having their cars washed.

Lifeboat Lodge
4, East Cliff
Dover, CT16 1LX

5) John Wiggell

The application for a Burger Van Street Trading Consent has been drawn to my attention and having read the regulations and guidance for this type of venture as well as those for siting it in a conservation area and adjacent to a Grade 2 Star listed building I would wish to object to the granting of either a trading permit / consent or for planning permission.

Yours sincerely,
John Wiggell
J F WIGGELL
Brookfield House
Brookfield Place
CT16 2AE

6) PG Sherratt

I would refer to the above application and make comments as under from The Dover Society.

This application is within the Castle Conservation Area and adversely affects various listed buildings including a Grade 2* Listed building as well as the quality of life to adjacent properties caused by cooking smells. As the site has not secured planning consent we would URGE this application is declined.

P.G.Sherratt
Chair, Planning Committee
The Dover Society

7) Christine Pike

I would like to put in an objection to the proposed burger van being sited at the car wash premises in Maison Dieu Road at it's junction with castle Hill.

The area is already blighted by having a car wash in he vicinity of this beautifully historic area and to put a burger van there would attract mayhem to an already difficult junction. Christine Pike Dear sir, I would like to formally oppose permission for this burger van.

It is totally out of place in such a beautiful and historic area , near to Dover Castle, near to the very historic Castle Street and near the 11th Century St.James Church.

How can you possibly even consider this!!

Christine Pike
173 The Gateway

8) Petra Riemenschneider

I strongly object to the application made on the 2nd of July 2020 by Donna Anson for a STREET TRADING CONSENT on the Raymar Car Wash Forecourt, Ferry Approach, Maison Dieu Road Dover, to trade as a seller of hot and cold food and drink from the said site.

The Street Trading Consent should not be granted on the following grounds:

- The said site is not suitable for the proposed Street Trading, it is within a conservation area and the street trading would operate less than a foot from the curtilage of Castle Hill House which is Dover's only residential Grade II Star Listed Building. It would be located within less than thirty feet of the St James Church ruin and White Horse Public House, both Grade II Listed Buildings.

No planning permission has been granted, which would be needed for a street trading consent on this site.

If a Street Trading Consent were to be granted, it would breach:

- Primary Legislation set out in Sections 16(2) - 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990;

- Dover District Core Strategy 2010;

- the NPPF where it clearly states "Development that fails to give due weight to protecting the historic environment, is not suitable for development"; consent would also contravene Section 134 - Section 137 of the NPPF and not be in line with Paragraph 17 of NPPF;

- Section 12 of the NPPF - Statement 12.125 of the Dover District Heritage Strategy and Section 1.3 of the Kent Design Guide. Further it would cause harm to the neighbouring residents of the Grade II Star Listed Castle Hill House, which, is contrary to Paragraph 17 of the NPPF and the principles of DDC Core Strategy;

- Sections 79(1) -(4) and (5) of the Environmental Protection Act 1990 thus causing a Statutory Nuisance.

Petra Riemenschneider
6 Victoria Park

Dover CT161QR

9) Louis Melville

I would like to vehemently object to the **application made on the 2nd of JULY 2020 by Donna Anson for a STREET TRADING CONSENT on the Former Ferry Approach Filling Station Site seemingly now known as the RAYMAR CAR WASH FORECOURT Ferry Approach, Maison Dieu Road Dover, to trade as a seller of HOT AND COLD FOOD and DRINK seven days a week from the said site in a white mobile catering caravan situated at the end of the said site nearest to St James church.**

PLEASE NOTE FOR CLARITY: the Signage on the site states it is called **RAMYAR** CAR WASH (not RAYMAR)

PLEASE ALSO NOTE FOR CLARITY: the said site's planning permission as granted is SUI GENERIS and the said site is within a Conservation area.

PLEASE ALSO NOTE: Grade II Star listed buildings are particularly important buildings of more than special interest. 5.8% of all listed buildings in the UK are Grade II Star.

This application for Street Trading Consent would operate less than a foot from the cartilage of Castle Hill House which is Dover's ONLY residential Grade Two Star Listed Building.

This applicant's business also would sit within less than thirty feet of the St James Church ruin and White Horse Public House, both Grade Two Listed Buildings.

This consent should not be granted on the following Grounds:

1- This Street Trading operation needs not just a Street Trading Consent to trade on the said site, it also needs a planning permission. At this time, there is NO PLANNING PERMISSION for STREET TRADING form the said site.

2- If a Street Trading Consent were to be granted, it would breach Primary Legislation set out in Sections 16(2) - 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990.

3- If a Street Trading Consent were to be granted, it would breach Dover District Core Strategy 2010.

4- If a Street Trading Consent were to be granted, it would breach the NPPF where it clearly states "DEVELOPMENT THAT FAILS TO GIVE DUE WEIGHT TO PROTECTING THE HISTORIC ENVIRONMENT, IS NOT A SUITABLE DEVELOPMENT"; consent would also contravene Section 134 - Section 137 of the NPPF and not be in line with Paragraph 17 of NPPF.

5- If a Street Trading Consent were to be granted it would breach Section 12 of the NPPF - Statement 12.125 of the Dover District Heritage Strategy and Section 1.3 of the Kent Design Guide.

6- If a Street Trading Consent were to be granted, it would cause harm to the neighbouring residents of the GRADE TWO STAR LISTED Castle Hill House which, is contrary to Paragraph 17 of the NPPF and the principles of DDC Core Strategy.

7 - If a Street Trading Consent was granted it would breach sections 79(1) -(4) and (5) of the Environmental Protection Act 1990 thus causing a Statutory Nuisance.

8- If a Street Trading Consent were to be granted it would breach the Human Rights of the residences of Castle Hill House under section one of the Human Rights Act 1998.

In short this application to Street Trade from the said site fails at every level to meet the weight in its favour needed to outweigh legislation weighed against it under planning legislation, both by Local and Central Government, thus should not be granted STREET TRADING CONSENT to operate on the said site.

Furthermore the catering caravan should be removed from the said site immediately to help repair some of the ongoing damage that has already been done to the setting of the Grade II Star listed building, the Grade II listed buildings and the conservation area, if street trading consent is not granted.

I formally request this objection to be lodged for the public records and taken into consideration when reviewing this application to Street Trade from the said site.

Louis Melville
CASTLE HILL HOUSE
7 CASTLE HILL ROAD DOVER
KENT CT 16 1QG

10) Diane French

This application for a Street Trading Consent shows no regard for the settings of Castle Hill Conservation area, the Grade Two Star listed Castle Hill House and Grade Two Listed White Horse Inn and the St James's Church ruin monument. The immediate area already has more than adequate 'fast food' provision directly opposite the site on the St James development – the likelihood of noise, unpleasant odours, litter and general disturbance to the residents of this protected area is very high – and to say that it would somewhat 'lower the tone' of the area is an understatement. The location is also directly adjacent to a somewhat tricky road junction and pedestrian crossing – the distraction at this particular location where concentration is most certainly needed, would seem to me to pose a threat to the safety of car users – and therefore, pedestrians.

Sincerely

Mrs Diane French
Maison Dieu Guest House
89 Maison Dieu Road
Dover
CT16 1RU

11) Alastair Dimech

As a resident living within a stones throw of this proposal I strongly object to consent been granted on the following grounds:

- 1/. The Burger **Van** is already on site and adds another carbuncle to what presumably is supposed to be a Conservation Area.
- 2/. The existing Ramyar Car Wash Forecourt is in its self already an eye sore within the Conservation Area and main approach to Dover Castle and been so close (One could say attached) to Castle Hill House.
- 3/. The smell of cooking together with the waister will attract vermin and pesky seagulls.
- 4/. There are several Guesthouses in this area and I feel guests and tourists to the Castle do not need this vision to distract from their memories of Dover, The Castle, The White Cliffs and Dover's many other attractions.
- 5/. I am not against the Burger Van but against it been placed in such an historical setting.
- 6/. Castle Hill House grade 2 star listed is too valuable to have another carbuncle almost attached to it.
- 7/. There is already a Burger **Bar**, less than 100 yards across the road in the new St. James Street development from this site.

Alastair Dimech.
2, Laureston Place
Dover
CT16 1QX.

12) Jeremy and Sheila Cope

We wish to strongly object to the above application on the following grounds:-

- 1)The sale of food and drink from a van or similar facility is entirely inappropriate to this location which is a Conservation Area.
- 2)The site is next to and immediately below the II*listed Castle Hill House and close to the Old St James Church, also a grade II listed building.
- 3)It is adjacent to the White Horse Public House which dates back to 1365.
- 4)Because of the history of this area it is an attraction to tourists on their way to the Castle.
- 5)It is common for such hot food outlets to create smells and noise which the residents of the adjacent properties should not have to tolerate.
- 6)Furthermore there is already an abundance of cafes, restaurants and food outlets in

the nearby St James Shopping Precinct and Castle Street sufficient to cater for all tastes.

Jeremy and Sheila Cope
53 Park Avenue
Dover CT16 1HD

13) Julia Stavrietsky

I would like to submit my MOST HEARTFELT OBJECTION to the application made on the 2/07/2020 by Donna Anson for a street trading consent on the **Former Ferry Approach Filling Station Site at the RAYMAR CAR WASH FORECOURT Ferry Approach, Maison Dieu Road Dover** (please note the signage on the carwash site states it is called "RAMYAR HAND CAR WASH")

As the owner of Castle Hill House, Dover's only Grade II Star listed residential property, my family and I would be directly affected by this proposed street trading application, as the Ferry Approach forecourt where the said car wash is currently operating and the proposed siting of the burger van/catering caravan is situated, is directly adjacent to the rear elevation curtilage wall of my property within LESS THAN ONE FOOT.

As you may be aware, the Burger caravan in question, owned by Donna Anson, was initially open and trading for two days ILLEGALLY in June 2020 before DDC requested them to cease trading due to lack of license and planning permission.

It became self-evident within those two days of their illegal trading, that not only did the burger caravan on the site compromised the setting of Grade II Star Listed Castle Hill House and the conservation area, it also produced **the most revolting, stomach-churning odorous cooking smells of old reused cooking oil which permeated the immediate area and made it impossible for us to open our windows, enjoy our garden or air laundry in the fresh air.** Things were so bad that if we had opened our windows during those hot stifling days, the combination from the noise from the car wash and the odorous cooking smells would have made it impossible to enjoy our right to peaceful and enjoyable home, accompanied with smells which would have permeated our furniture, curtains and clothes, rendering rooms unusable for days.

Please note that even though they know they haven't got a planning permission, they still have shown the presumption to apply for street trading consent, figuring if they get that, they will then apply for retrospective planning permission.

As there is no planning permission in place for the burger van on this site, it would mean the whole site's planning permission would have to be changed and re-applied for. No license should be granted before any planning permission regarding the site acknowledging its change of status is granted, allowing the burger van to be included as a business operation on the site.

The weight of granting the trading license does not outweigh the damage to the setting of a Grade II Star listed building, which is Castle Hill House, the conservation area and the other listed buildings within close proximity to the proposed siting of the burger van;

these other listed buildings include The White Horse public house and St James's church, which is a site of daily tourist interest.

Sincerely,

Julia Stavrietsky
Castle Hill House
Castle Hill Road
Dover CT16 1QG

14) Stuart Fox

I am writing to raise an objection against the proposed street trading burger van to be sited on The Raymer Car Wash forecourt, more specifically within less than a 100 metres of the ruins of the historic St James Church and White Horse Inn. Aside from the fact it is a blight on the landscape - and not in keeping with the historic castle ward - I have already witnessed first-hand the increase in litter from individuals having been to the van then sat on the forecourt wall eating their goods and discarding their litter on the ground across from the aforementioned church and pub. As one of the publicans of the White Horse, we already "unofficially" clear rubbish away from the front of St James Church, clear litter and alcohol beverage cans, human faeces (Yes!!) from the grounds of St James Church. The opening of Burger King diagonally across from us heralded a new branch of litter being dumped or blown over to us and I am fearful that yet another junk food outlet will lead to more litter being discarded in this area. Hubert passage is a heavily used thoroughfare for tourists heading to the castle and surely, as a much publicly maligned town, we must be doing our utmost to lift the negative connotations associated with this town. A burger van throwing out noxious food smells, increased litter coupled with its rather unsightly appearance will not benefit this town.

Thank you for your kind consideration,

Yours Sincerely,

Stuart Fox
White Horse Inn
St James Street
Dover CT16 1QF

15) Janet Dagys

I strongly object to the application made on the 2nd of JULY 2020 by Donna Anson for a STREET TRADING CONSENT on the Former Ferry Approach Filling Station Site seemingly now known as the RAYMAR CAR WASH FORECOURT Ferry Approach, Maison Dieu Road Dover, to trade as a seller of HOT AND COLD FOOD and DRINK seven days a week from the said site in a white mobile catering caravan situated at the end of the said site nearest to St James church.

This application is for a site in the Castle Hill Conservation Area would degrade this area and would not be making Dover the best it can be, rather, the opposite. The application for a Street Trading Consent shows no regard for the settings of Castle Hill Conservation

area, the Grade Two Star listed Castle Hill House and Grade Two Listed White Horse Inn and the St James's Church ruin monument.

There is also already an established Burger vendor, Burger King, across the road at the entrance to the St. James shopping centre.

I urge you to reject this application.

Regards,
J. Dagys

16) Sarah Dimech

As a former resident of this conservation area and as someone who regularly visits family and friends in the area I would like to make an objection to the site RAMYAR CAR WASH for a street trading licence.

The application for a Street Trading Consent shows no regard for the settings of Castle Hill Conservation area, the Grade Two Star listed Castle Hill House and Grade Two Listed White Horse Inn and the St James's Church ruin monument.

This Street Trading operation needs not just a Street Trading Consent to trade on the said site, it also needs a planning permission. At this time, there is NO PLANNING PERMISSION for STREET TRADING from the said site.

If a Street Trading Consent were to be granted, it would breach the following legislation

- Primary Legislation set out in Sections 16(2) - 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990.

- Dover District Core Strategy 2010.

- NPPF where it clearly states "DEVELOPMENT THAT FAILS TO GIVE DUE WEIGHT TO PROTECTING THE HISTORIC ENVIRONMENT, IS NOT A SUITABLE DEVELOPMENT"; consent would also contravene Section 134 - Section 137 of the NPPF and not be in line with Paragraph 17 of NPPF.

- Section 12 of the NPPF - Statement 12.125 of the Dover District Heritage Strategy and Section 1.3 of the Kent Design Guide.

- Sections 79(1) -(4) and (5) of the Environmental Protection Act 1990 thus causing a Statutory Nuisance.

- Human Rights of the residences of Castle Hill House under section one of the Human Rights Act 1998.

As well as causing harm to the neighbouring residents of the GRADE TWO STAR LISTED Castle Hill House, which, is contrary to Paragraph 17 of the NPPF and the principles of DDC Core Strategy.

The permission should not be granted and further action to remove the vehicle from the site should immediately follow.

Kind Regards,
Sarah Dimech

The siting/use of the outlet would require planning permission. A formal decision on any planning application can only be made following a full consideration of the application submission and consultation with internal and external parties and the consideration of those views together with any public representations. That said, it's understood objections have been recently made by DDC Environmental Health about the potential for cooking odours from the burger van to adversely impact the living conditions of adjoining residents. Objections have also been raised from the DDC Heritage Officer about harm arising from the appearance of the van on the setting of the conservation area and listed buildings. Both these issues would be material to the consideration of any planning application. If received/restated as part of the formal consultation on the application and in the absence of the applicant being able to satisfactorily mitigate these harms and/or being able to provide an overriding case as to the merits of the proposal, these matters would in my view be likely to weigh in favour of recommending that planning permission be refused.

Peter Wallace
Development Management Team Leader
Dover District Council