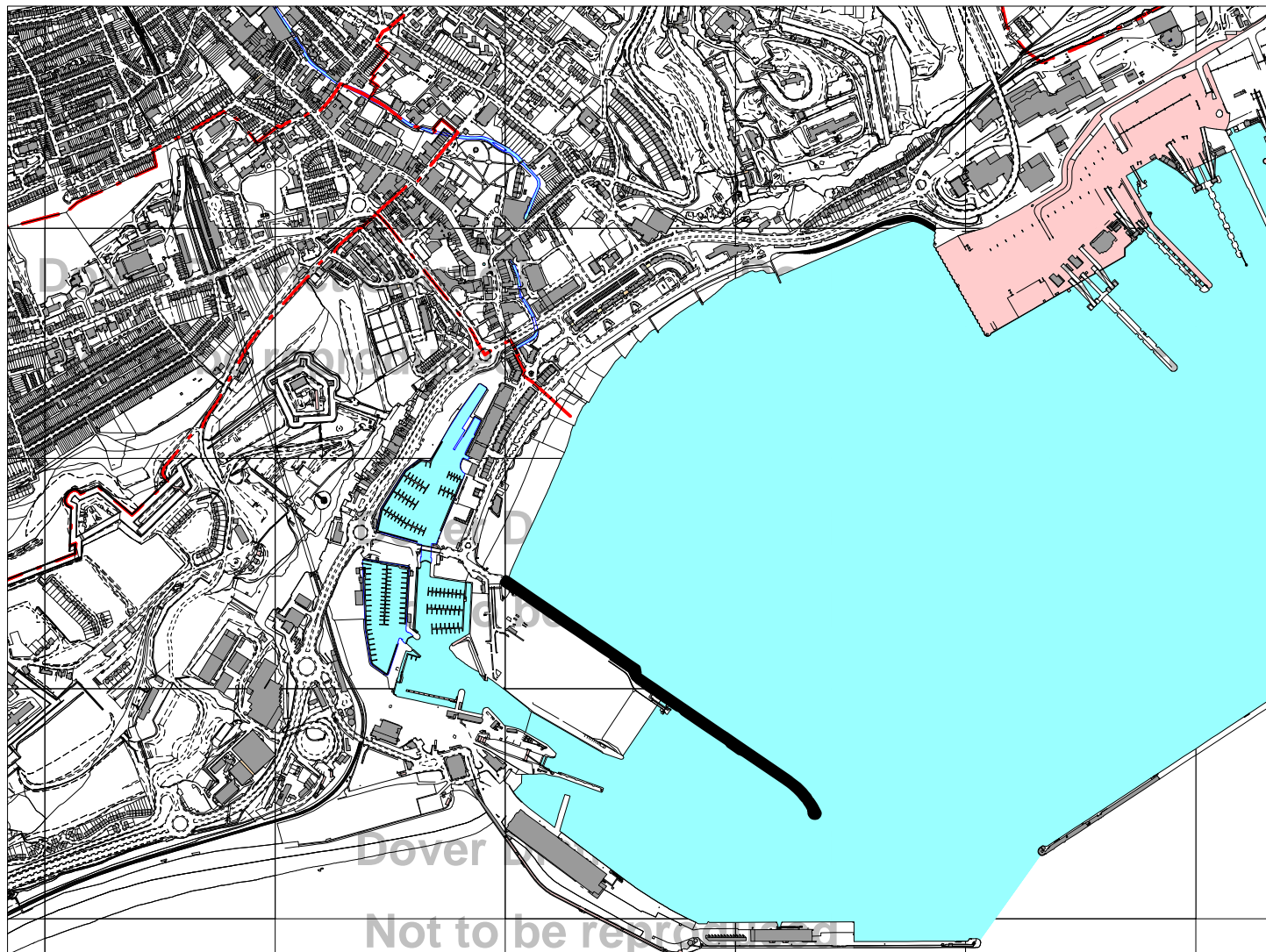


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Application: DOV/15/00627

Prince of Wales Pier

Western Docks

Dover

CT17 9BX

TR32344048



- a) **DOV/15/00627 – Removal of all furniture to include all historic and late C20 railings, lamp standards, memorials, mooring bollards (cleats) and gates, and height reduction of late C20 steel sheet pile section to facilitate works approved under the Dover Harbour Revision Order 2012, New Terminal 2 – Prince of Wales Pier, Western Docks, Dover**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Grant consent.

c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015).

In addition there are a number of other policies and standards which are material to the determination of Listed Building Consent applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Historic Environment in Local Plans Good Practice Advice note.

A summary of the relevant planning policy pertaining to this application is set out below:

Dover District Core Strategy (2010)

An objective of the Core Strategy is to *'ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used positively to support regeneration, especially at Dover'*.

Although not a material consideration for the determination of an application for Listed Building Consent, policy CP8 of the Core Strategy is considered relevant to consideration of the public benefits of the proposal in line with paragraph 134 of the NPPF.

Saved Dover District Local Plan (2002) policies

None applicable

National Planning Policy Framework (NPPF) (2012)

The NPPF demonstrates a presumption in favour of sustainable development and is a significant material planning consideration. The NPPF sets out 12 core principles and states that the conservation of heritage assets should be carried out in a manner appropriate to their significance.

Paragraph 128 states that *'in determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affecting, including any contribution made by their setting'*.

Paragraph 129 states that *'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'*.

Paragraph 132 states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

Paragraph 134 states *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

National Planning Practice Guidance (NPPG)

The NPPG provides guidance on the interpretation of the NPPF. Paragraph 15 states that *"sustaining heritage assets in the long term often requires an incentive for their active conservation."* Paragraph 19 continues, *"a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm"*.

Historic Environment in Local Plans; Good Practice Advice (GPA) (2015)

The GPA provides information to assist in implementing the policies in the NPPF and the NPPG.

Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990

This requires that in considering whether to grant Listed Building Consent for works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special interest.

Other considerations

SI 2012 No.416: The Dover Harbour Revision Order 2012

d) Relevant Planning History

- DO/75/1095- substantial alterations to form Hovercraft facility - granted consent.
- DOV/88/01255 - Replacement of storm damaged cafe - granted permission.
- DOV/13/00944 - Demolition of the side fendering system, restricted area fencing, mooring walkway and platform, and erection of new parapet fence - grant consent.
- 2012 – Consent given by the Secretary of State under The Dover Harbour Revision Order 2012 to maintain and construct 41 no. works as part of the proposal to build Terminal 2 at Dover Western Docks. Consent subject to a Principal and Side Agreement between Dover District Council and Dover Harbour Board to address specific/detailed requirements.
- DOV/14/00204 – Screening Opinion relating to Cargo facilities in the vicinity of the former Hoverport apron – EIA not required.

e) **Consultee and Third Party Responses**

Dover Town Council – response received prior to consultation on and re-advertising of additional details and information submitted. Object on the following grounds:

- The loss of the pier and public amenity
- The works would change the view of the seafront
- No related planning application has been submitted to demonstrate the use of the site to justify the loss of the furniture.
- The economic case has not been demonstrated.
- There has been a lack of consultation with the town.

Historic England – comment:

- Content that the further details which have been submitted address the issues that were initially raised and now provide clear and convincing justification.
- Consent should be granted subject to conditions which require further details to be submitted to include a photographic record and methodology for the removal of the furniture, and a plan for reinstatement to an agreed milestone in the project.

Victorian Society – comment:

- Previous objection withdrawn.
- Conditions to include refurbishment and reuse of the furniture within a reasonable timeframe.

Public Representations - objection x 349; support x 5.

The following issues were raised prior to the consultation and re-advertising of additional details and information submitted. Object on the following grounds:

- The process of listing should protect the pier from alteration.
- Application fails to show how the scheme will impact on the pier.
- Would result in the loss of a heritage feature.
- Loss of the furniture would affect the individuality of the structure.
- Details should be submitted on when and where the furniture is to be relocated.
- Lack of consultation on the proposal by the Dover Harbour Board.
- Pier should be protected from development and remain in use by the public.
- Loss of recreational use of the pier.

The following issue was raised following consultation and re-advertising of the additional details and information submitted:

- The additional information shows that the scheme relates to T2 and not the DWDR proposal, therefore the original submission does not meet the requirements for a Design and Access Statement.

f) **1. Site description**

1.1. The site comprises a grade II listed pier constructed between 1893 and 1902 to a design by Sir John Coode noted in the list description as *“probably the most distinguished harbour engineer of the C19”*. It was listed in 1975 with an amendment to the description in 2009 to take account of the late C20 alterations.

1.2. Located at the Western Docks to the south of Dover town centre, the pier extends 2,910 feet from Marine Parade into Dover Harbour and forms part of a group of designated structures within the harbour. The western (landward) end was

originally constructed of a framework of cast iron trestles and piles but was altered and concealed within a steel sheet and concrete pile structure in the late C20 to form the Hovercraft facility. To the eastern (seaward) end the pier is constructed of stone with granite coping and terminates in a lighthouse.

- 1.3. The pier retains a number of historic items of furniture including cast iron railings with ornate end piers, lamp standards bearing the shield of Dover Harbour Board, mooring bollards and a white granite plinth with pink granite memorial plaque commemorating the opening of the pier
- 1.4. Late C20 alterations to the pier include the works to facilitate the Hovercraft facility noted above (part d), a café and shelters. The latter are noted in the Isit description as being of no interest. The cast iron entrance gates are noted as late C20 date to traditional details.

2. Proposed works

- 2.1 This application is for Listed Building Consent for the removal all furniture from the pier, to include both historic and later pieces, and the lowering of the northwestern side of the landward end by partial removal of the sheet steel pile structure.
- 2.2 The application has been submitted within the context of a range of works referred to by Dover Harbour Board (the applicant) as the Dover Western Dock Revival (DWDR). The DWDR is proposed to be carried out under a combination of the works for Terminal 2 at Dover Western Docks, approved through the Dover Harbour Revision Order 2012 (granted by the Secretary of State) and the use of permitted development rights for transport related development under Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the latter being used to construct a cargo handling facility within the vicinity of the former Hoverport site. The overall works package is extensive, and when completed would see the transformation of the Western Docks to provide a mixed use port-related commercial and water-based leisure environment with publically accessible harbour-side development opportunities.
- 2.2 In taking her decision on the Harbour Revision Order (HRO) the Secretary of State accepted that a range of impacts, including impacts on architectural heritage, would be necessary for the development to proceed. She also acknowledged that other permissions, including listed building consent, would need to be sought, including for works affecting the Grade II listed Prince of Wales Pier.
- 2.3 It is relevant to note that the carrying out of substantial alterations to the Prince of Wales Pier was an implicit part of the HRO proposals and it is in connection with the alterations required to the Pier as part of the build out of the DWDR scheme, that the current Listed Building Consent application has now been submitted. It is understood that the current application will be one of several Listed Building Consent applications that will need to be submitted in connection with the DWDR scheme.

3. Main Issue

- 3.1 The main issue to consider is the impact of the proposed works on the significance of the grade II listed structure.

4. Assessment

- 4.1** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant Listed Building Consent for works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special historic or architectural interest. This is endorsed by paragraph 132 of the NPPF which states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 4.2** Paragraph 17 of the GPA states that *“in general terms, substantial harm is a high test, so it may not arise in many cases... It is the degree of harm to the [heritage] asset’s significance rather than the scale of the development within its setting. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all... Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”*

Significance of the heritage asset.

- 4.3** The Prince of Wales pier was designed by one of the foremost engineers of the late C19 to provide both shelter for the eastern side of the harbour and berths for cross-channel steamers and transatlantic liners. The long and dramatic sweep of the pier retains a number of pieces of historic furniture along its length which contribute to its character. The lighthouse is a principle feature on the pier and will remain unaffected by the works proposed in this application.
- 4.4** By 1905 a railway track was laid along the pier to provide a direct connection with the shipping berths. In its early life the pier would have been a bustling depot with travellers arriving and departing by train and boat, The Pier also played a significant part in the Dunkirk evacuation when 200,000 men were returned from Dunkirk to Dover in eight days.
- 4.5** The character of the pier changed significantly in the C20 to accommodate the change in mode of sea transport, with alterations to facilitate the Hovercraft port located on the south side of the pier. At this time the principle use of the pier changed to recreational, becoming a promenade and providing tourists and residents with views of the town and castle to the east and the Hovercraft to the west (evidenced by the viewing windows within the concrete curtain wall). The pier is highly valued as a heritage asset that can be enjoyed today as a recreational facility.

Assessment of proposed works to the heritage asset.

- 4.6** The planning history for the alterations to form the Hovercraft port indicate that the original cast iron structure was reduced by approximately 2.5 metres in height before the remains were encased in the steel sheet piling. The current application seeks to reduce the height of the steel sheet piling by approximately 2.5 metres. Whilst it is possible that the works will impact on remaining historic fabric, the 1975 alterations resulted in significant loss of both historic fabric and visual aesthetics of this section of the original structure. The works now proposed are noted in the

Combined Design and Access and Heritage Statement as being necessary on safety grounds as the steel sheet pile section is under stress. The potential impact on the significance of the heritage asset as a result of the proposed further works to this section is considered to be negligible.

- 4.7** The Combined Design and Access and Heritage Statement notes that the enabling works of removal of the furniture will allow for the reduction of the steel sheet piling section and for the future redevelopment of the harbour approved by the Secretary of State under the Dover Harbour Revision Order 2012. The application notes that the furniture will be safeguarded in a secure unit to enable re-erection in the future. As it may not be possible to re-erect the furniture on the Prince of Wales Pier, due to the nature of the redevelopment works proposed, the statement has suggested other possible sites for relocation, all of which are in the vicinity of the Western Docks.
- 4.8** A survey has been submitted detailing each item, both historic and non-historic, that is proposed for removal and its condition *in situ*. Due to the exposed marine environment much of the furniture has suffered from significant corrosion, particularly the late C20 entrance gates and the original cast iron hand railing. However, many of the lamp standards and mooring bollards appear to be in fair to good condition.
- 4.9** Paragraph 134 of the NPPF states that where a proposal results in less than substantial harm it must be weighed against the public benefits of the proposal.
- 4.10** The listing description notes that the pier is 'substantially intact'. The removal of the historic furniture will cause harm to the significance as they contribute to the historic character and appearance of the pier, whilst the removal of the late C20 items will have an impact on the aesthetics of the pier. The lighthouse and stone structure of the pier remain intact and the works under this application are considered to cause less than substantial harm to the heritage asset.
- 4.11** In assessing the impact of the proposed works on the heritage asset in accordance with paragraph 134 of the NPPF, the wider public benefits of the proposed redevelopment of the Western Docks as referred to in section 2 above is considered to outweigh the less than substantial harm caused by the proposed removal of the furniture. In addition, the submission proposes the relocation of the furniture within the immediate setting of the pier. A relevant condition has been recommended to ensure that the historic fabric is not permanently lost and will continue to be enjoyed by the public.
- 4.12** A consequence of the works subject of the current application would be the closure of public access to the pier. The removal of access to the pier is the main objection cited by third parties. Within the context of the wider DWDR programme, it is understood the current timetable for build-out would see the pier closed to public access from the start of 2016 with the construction of the Marina Curve and New Marina Pier, including the reintroduction of the pier furniture where appropriate, complete in 2018.

Heritage Asset Conclusion

- 4.13** In terms of the impact on the listed structure, as set out in the assessment above, the character and appearance of the pier would be harmed as a result of the proposed works. These works are considered to be less than substantial. Paragraph 134 of the NPPF requires that where there is less than substantial

harm the public benefits of the works should be considered. The redevelopment of the Western Docks is a nationally strategic scheme of significant public benefit and as such is considered to outweigh the impact on the listed structure. Mitigation for the loss has been presented, and relevant conditions recommended, in the form of relocating the furniture to agreed locations. The proposal is therefore considered to be compliant with the statutory duties set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.14 At the time of drafting this report, the period for public comment associated with the re-advertising of material submitted by the applicant had not yet expired. It's important to note that the advertisement period also postdates the date of the Planning Committee meeting at which this item will be heard. For this reason, a verbal update will be provided at the meeting on the contents of any new representations received. In addition, the recommendation at g) I below is framed to allow for the consideration of further representations made up to the close of the period for public comment. In the event that new material planning issues are received after the committee meeting, it is requested that these be considered and the application determined in consultation with the Chairman and Vice-Chairman of the Planning Committee.

g) Recommendation

I SUBJECT TO no representations being received (post the Planning Committee meeting and prior to the closure of the current advertisement period) raising new material planning considerations LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions:

(i) Prior to the commencement of works, a written schedule detailing the proposed methodology for the removal of the furniture shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(ii) Within 3 months of the removal of the furniture, as shown on plans no. SKT-032A rev 01 and SKT-032B rev 01, an inventory, to include a photographic record, detailing the age, condition and details of the manner of protection of each and every item during storage shall be submitted to and approved in writing by the local planning authority. The approved details of protection shall be maintained for the full period that the items are in storage prior to their relocation.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(iii) Within 12 months of the commencement of the works, details of the proposed relocation of the removal furniture, to include a schedule of works for the repair and refurbishment of the furniture, address and plan indicating the proposed position and a timetable detailing the commencement and completion of the relocation of each and every item of furniture, shall be submitted to and agreed in writing by the local planning authority. The works thereafter shall be carried out

in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(iv) Prior to the commencement of the works hereby approved, a phasing schedule shall be submitted to and approved in writing by the local planning authority. The schedule shall include a timetable detailing when the works are proposed to be undertaken and shall outline their phasing within the context of the works approved as part of the Dover Harbour Revision Order 2012 (HRO). The works hereby approved shall only be carried out in accordance with the approved phasing schedule and timetable and as part of the implementation of the HRO.

Reason: to ensure that the public benefits proposed as part of the HRO, and which are material to the grant of consent, are delivered, and that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- II In the event that any further representations are received post the consideration of the application by the Planning Committee, raising new material planning considerations, powers be delegated to the Head of Regeneration and Development to determine the application in consultation with the Chairman and Vice-Chairman of the Planning Committee.
- III Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Alison Cummings