

April Committee Report

- a) **DOV/20/01236 – Erection of 5 three-storey (90 bed) motel buildings; 1 two-storey reception building; 2 single storey buildings for welfare and storage; installation of solar panels to roof of motel and reception buildings; and associated coach, lorry and car parking – Dover Marina Curve Phase 1A, Dover Harbour**

and

DOV/20/01220 – Erection of mixed-use development comprising swimming pool, restaurant, bar and mixed-use Class E (Commercial Business and Service) - Dover Marina Curve Phase 1B, Dover Harbour

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permissions be Granted for both proposals.

- c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act 1990

- Sections 66 and 72 include statutory provisions relating to issues to be taken into account when considering planning applications which affect listed buildings and conservation areas, respectively.

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- CP8 – Dover Waterfront. The area within the policy boundary is allocated for a mixed-use scheme including retail, leisure, offices and hotel. The current application sites lie outside the policy area boundary, but figure 4.2 in the Core Strategy diagrammatically shows the area to form a buffer between the new ferry terminal (Terminal 2) and the waterfront, to include leisure uses.

- DM1 – Development will not be permitted outside the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.
- Although not directly reflected in a policy, paragraph 3.23 of the Core Strategy notes the potential for additional hotel accommodation in Dover.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- Paragraph 86 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- Paragraph 87 states that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- Paragraph 89 states (in summary) that when assessing applications for retail and leisure development outside town centres, an impact assessment should be required, but this is not required if the development is below a (default) threshold of 2,500m² gross floorspace.
- Paragraph 91: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction (for example through mixed-use developments), are safe and accessible, and enable and support healthy lifestyles.
- Paragraph 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared spaces, community facilities and other local services.
- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and ultra-low emission vehicles.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change, establish or maintain a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit, and create places that promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 170 says that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

- Paragraph 189 states that, in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected.
- Paragraph 192 states that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 193: When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.
- Paragraph 196: 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, where appropriate, securing its optimum viable use.
- Paragraph 197: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

d) Relevant Planning History

The Dover Harbour Revision Order 2012 (SI 2012 No 416). This, in effect, granted planning permission for extensive works to construct Terminal 2 at Dover Western Docks, including the creation of a marina and the formation of the quay on which it is based, thus creating much of the land where the current applications are sited. However, it did not specify any built development on this land.

e) Consultee and Third-Party Responses

DOV/20/01236 (Motel)

Dover Town Council – Object.

Highways England – No objection. While we do not necessarily agree with the approach taken in the Addendum to the Transport Statement, nor with much of the evidence and suppositions submitted, it contains sufficient information to have enabled us to assess the impacts of the proposed development. As such, Highways England is now satisfied, that even if all the trips associated with the site were to be new, these could be accommodated onto the Strategic Road Network without causing a severe impact.

KCC Highways – I concur that the majority of patrons of the hotel are likely to be using the ferry terminal and therefore the associated vehicle trips will already be on the highway network. Both these and new trips are likely to be mainly distributed along the A20 trunk road, with a small number on other routes connecting to the same. There is therefore unlikely to be a severe impact on the KCC highway network that would warrant

a recommendation for refusal. This also applies when taken in combination with the associated mixed use proposals under DOV/20/1220.

No objection subject to conditions to cover:

- Submission of a Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision of suitable vehicular, pedestrian and cycle access between the highway and the site prior to the use of the site commencing, in accordance with details to be submitted to and approved by the Local Planning Authority.

Also requests the consideration is given to the provision of electric vehicle charging points. Informative requested regarding works on highway land.

KCC Archaeology: No response received.

Kent Fire and Rescue – Off-site access requirements have been met. On-site access requirements will be dealt with under the Building Regulations.

Southern Water – Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Requests a pre-commencement condition for the submission and approval of details of surface and foul water disposal.

Has also provided details of the precautions to be taken to protect existing infrastructure within and adjacent to the site, and considerations to be taken into account in the design and management of SUDS. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. These matters can be dealt with through Informatives.

NHS CCG: No response received.

Kent Police Designing Out Crime Officer – Applicants/agents should incorporate Crime Prevention Through Environmental Design and Secured By Design (SBD). We cannot recommend approval for this application as shown on the planning portal at 04/12/20 as there are no security details yet with regard to the layout, use and design. There is a carbon cost for crime and new developments give an opportunity to address it. We request a Teams meeting with the applicant/agent about site specific designing out crime and physical security.

DDC Inward Investment and Tourism Officer – (Summarised): Support.

While the Covid-19 Pandemic has undoubtedly brought many challenges to the tourism and visitor sector through 2020, the proposed investment (£8 million of inward investment into Dover) and uses that these applications bring to the locality has, perhaps, never been more important; it provides a huge vote of confidence and will add to the growing list of developments that will help kickstart the interest in this locality and aid recovery going forward.

Tourism is a vital industry across the country and district in terms of economic growth with the potential to grow much further. We recognise that tourism is a crucial driver for

regeneration and our economy, and any opportunity to explore and harness new projects should be encouraged. Our strongest market is currently the day visitor sector which currently welcomes over 4.2 million people annually; however, in comparison our overnight market is low and welcomes 424,000 visitors annually. There is huge scope to grow this market and along with our commitment to grow the economy further across the district, we need to explore all options to convert some of this day activity to the short-break/staycation market that domestically has been reborn following the impact and restrictions of COVID-19.

These proposals are an opportunity to positively improve tourism and boost the visitor economy in not only Dover, but across Dover District as a whole. An opportunity that is extended by the developments proposed quirky and innovative accommodation and clear focus upon sustainability, placemaking and creating lively experiences for guests.

The proposed creative and bold design and concept is also in harmony with the Tourism & Visitor Economy Strategy, and Cultural Survey & Framework, and follows the example of other successful restoration/regeneration projects beyond Dover, such as Folkestone Harbour Arm, SEA LANES & Brighton Sea Front and Ramsgate Marina & Royal Harbour.

It is well documented by Visit Kent, Tourism South East and England's Coast (National Coastal Tourism Academy) that there is a shortage of accommodation, especially mid-scale to luxury hotel stock and trade suitable hotels, across all English coastal regions, in Kent and across the South East. White Cliffs Country is no different and this proposed 90 room motel development could help to partly address this need, as well as meet the demand from business and leisure markets.

The proposed 'sustainable' design aspects of the plans should also be noted and welcomed given the Council's aspirations around the green agenda; including the use and installation of recycled hightop shipping containers, solar panels (generating around 85,000 KWH per annum; self-sufficient in energy use during core hours), electric car charging points (all car parking spaces for the motel have electric car charging points) and landscaped areas of planting (aiding biodiversity).

DDC Environmental Health – Raises no objection, but recommends a condition requiring a site-specific Construction Environmental Management Plan.

DDC Waste Officer – Has provided details of bin requirements for residential developments.

The Dover Society – The Dover Society is greatly concerned about these two applications. There is very little to commend them and, quite frankly, we are amazed that Dover Harbour Board should allow them to be brought forward other than out of desperation to develop the site as cheaply as possible.

We fully support the principle of hotel and retail development on this newly reclaimed land as has always been part of the Dover Western Docks Revival project and we welcome the beneficial impact that this would have for the town as a whole. But to achieve this by construction of a motel and other facilities from shipping containers is totally inappropriate for the site. The application clearly regards a commercial port as an appropriate context for such a design but Dover is nothing like Rotterdam and it completely ignores the status of the iconic waterfront setting which has long been a major tourist attraction. No reference is made to the Waterloo Crescent Conservation Area, and the Grade II listed buildings of Waterloo Mansions, Cambridge Terrace, New Bridge House and Charter House. The proposal would debase the area so that its full potential for regeneration would not be realised. The site requires something of quality that better reflects the historic and cultural context that it adjoins.

With specific regard to the motel, we regard the size of rooms to be barely adequate, with no room to move about. This is not the kind of accommodation that is likely to attract visitors who should be the vehicle of regeneration.

We are particularly concerned that there is no intention of providing quality holiday accommodation for tourists but that it will be used as a refugee or homeless hostel. In a DDC Press Release dated 28th June 2018 headed “*Number of People in Temporary Accommodation fall as DC tackles homelessness*”, the final paragraph states “*Dover District Council is also developing plans for more affordable housing. Projects currently in the picture include the potential to build new council houses, modular and sheltered housing and investing in affordable homes on new private housing development.*” There was interest where the “modular” units would be sited and at the time DDC declined to comment.

The application refers to close consultation with Dover Harbour Board and to meetings with DDC for pre-application advice and describes this as Community Involvement but neither DDC nor DHB have sought Community Consultation and the town is being presented with a sub-standard *fait accompli*.

In view of the above we strongly OBJECT to these applications.

Private representations – Ten objections received, two expressions of support and one neutral comment.

The objections raise the following issues:

- The structures are ugly and do nothing to enhance the area
- Out of keeping with the historic setting
- The term “motel” has a cheap and tacky vibe – Marina holiday village would be better
- The quality of the development is likely to attract transient people and be associated with accommodation for migrants
- The Marina has the transport links and space to provide more than at Folkestone or Ramsgate; there is the opportunity for this to become a true destination; this has been squandered
- Scheme does not reflect the aspirations set out during workshops on DWDR and a lifetime opportunity for regeneration has been lost
- Reference to Western Docks being a ferry terminal is incorrect as it is now a container handling facility
- Use of shipping containers means this will not act as a buffer zone to the port
- Uniform modular design with simple external form and repetitive visual appearance
- Proposals here should be sustainable, economically, and this is not
- Rooms too small for anything other than a one-night stopover
- Containers are not safe for public health
- Lack of community involvement (as referred to in the application)
- Questions impartiality of DDC as the Council appears to have been involved in promoting the scheme
- There is the opportunity post-Covid to make more of this coastal location
- The scheme might be OK if elevations were disguised by photos on supported membranes
- Any approval should be limited to three years, as these are temporary structures
- The Marina Curve should be retained for maritime uses
- No need for a budget hotel

The issues raised in support of the proposal are:

- Container developments have been made successfully (Trinity Buoy Wharf, Brixton Pop and Box Park)
- Will attract young visitors to Dover
- Whilst it would be wonderful to have a Regency style building added to the seafront there are no proposals on the table and therefore happy to accept the current proposal as something that can be created quickly in an area that needs urgent regeneration for local people and tourists
- Will be an attractive alternative to current facilities on offer and adaptable in the longer term

The neutral response questions the need for another hotel on the seafront.

DOV/20/01220 (Mixed-Use Commercial and Leisure Development)

Dover Town Council – Object.

Highways England – Comments as for DOV/20/01236. Supports KCC Highways request for a Construction Management Plan.

KCC Highways – I concur that the majority of the vehicle trips associated with the proposals are likely to already be on the highway network. Both these and new trips are likely to be mainly distributed along the A20 trunk road, with a small number on other routes connecting to the same. There is therefore unlikely to be a severe impact on the KCC highway network that would warrant a recommendation for refusal. This also applies when taken in combination with the associated hotel proposals under DOV/20/1236.

The comments on vehicle parking are noted and the proposals in this respect are unlikely to lead to an unacceptable impact on the highway bearing in mind the parking restrictions in place on the nearest highways and the availability of other parking. Whilst not a highway matter, the applicant may wish to consider the provision of parking spaces for the mobility impaired in close proximity to each of the proposed buildings.

No objection subject to conditions and informatives as for DOV/20/01236.

KCC Archaeology: No response received.

Kent Fire and Rescue – Comments as for DOV/20/01236

Sport England – The proposal only relates to the provision of a sports facility of local significance and does not relate to a sports facility of wider strategic importance. Sport England therefore does not wish to comment.

Southern Water – Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. Has also provided detailed considerations to be taken into account in the design and management of SUDS. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. These matters can be dealt with through Informatives.

NHS CCG: No response received.

Kent Police Designing Out Crime Officer – Comments as for DOV/20/01236

DDC Inward Investment and Tourism Officer – (Summarised): Support.

Comments are broadly the same as for DOV/20/01236, with additional case-specific comments:

The mixed-use (commercial, leisure and tourist facility) scheme's focus on character, appearance and providing a lively and well-articulated space, that compliments and enhances its working harbour and marina setting, also fully embraces White Cliffs Country's adopted 'purposeful and playful' identity, as originally identified within the Cultural Survey & Framework for Dover (2009).

Dover District is fortunate to have a strong and extensive range of history, heritage, attractions and open outdoor spaces, but as the visitor market continues to change and evolve, many are seeking new experiences and opportunities alongside the more traditional offer. Diversifying and making greater use of vacant 'buffer' space on the edge of Dover town centre within a well-connected and accessible location, this proposed substantial and sustainable accommodation & mixed-use proposal (containing 90 room hotel, workspace, function/event space, restaurants, bars, shops and swimming pool) could also complement and add to this new and growing experiential market, as well as having the potential to attract a new demographic to the area providing visitors, young and old, somewhere new to stay and enjoy, time and time again.

Part of the Port of Dover's 'Dover Waterfront Strategic Plan' (adopted in October 2020), the development has the potential to substantially benefit and provide new opportunities and additional revenue to local business and local producers, as well as further employment opportunities to residents. The proposed combined creation of 45 full-time jobs and 30 part-time jobs that are listed as part of these two applications (60 FTE) is extremely beneficial to residents. It would equally be expected that such a development would also herald further employment within the wider area of Dover, due to factors such as associated increased secondary spend and increased footfall in the town centre and surrounding area. The inclusion of opportunities for new local businesses to be established in associated incubator units within the development is also of merit and will potentially also help local business and Community Interest Company (CICs) start-ups.

In proximity to the England Coast Path, Saxon Shore Way, North Downs Way and National Cycle Network Route 1 & 2 this combined innovative and potentially iconic destination development (which would be a new, unique attraction within Dover District and Kent) also has the potential to tie in to growing walking and cycling visitor markets and we are heartened to see the inclusion of cycle parking within the proposals. The 'green' credentials of this combined development may also prove popular to this market.

DDC Environmental Health – Comments as for DOV/20/01236

DDC Waste Officer - Comments as for DOV/20/01236

The Dover Society – Comments as for DOV/20/01236

Private representations – Five objections received and three expressions of support.

The objections raise the following issues:

- Shipping containers will look cheap and unattractive and will denigrate what should be a site of quality
- Will be out of place in the context of other seafront buildings

- Scheme does not reflect the aspirations set out during workshops on DWDR and a lifetime opportunity for regeneration has been lost
- Reference to Western Docks being a ferry terminal is incorrect as it is now a container handling facility
- Use of shipping containers means this will not act as a buffer zone to the port
- Lack of community involvement (as referred to in the application)
- Questions impartiality of DDC as the Council appears to have been involved in promoting the scheme
- Any approval should be limited to three years, as these are temporary structures
- A retail impact assessment is needed to check there is no dilution from existing retail offer in the town; St James currently has nine empty units
- Whilst the swimming pool will replace a lost facility, and this is welcomed, the design and materials are not
- No opportunity to preserve the heritage retrieved from DWDR
- The practical lifespan of re-used containers is questioned
- Lack of parking
- Stacked containers are susceptible to high winds and will blow over

The issues raised in support of the proposal are:

- Container developments have been made successfully (Trinity Buoy Wharf, Brixton Pop and Box Park)
- Will attract young visitors to Dover
- Scheme will look appropriate in proximity to the freight containers
- Will be a vibrant and interesting alternative to De Bradellei wharf
- Will be inclusive and accessible, not exclusive and sterile
- Opportunity to simulate the success of similar developments at Whitstable and Folkestone
- The pool will be a good attraction
- The containers will offer flexibility and adaptability in the short/medium term, but the offer needs to be up to date and vibrant; a positive step in contrast to other development nearby
- Low maintenance costs will assist small businesses

f) **1. The Site and the Proposal**

- 1.1 Although these proposals have been submitted as two separate planning applications, in many ways they need to be seen as complementary to each other. They are on adjacent sites and share the same access via Union Street. They have been designed as an integrated whole and are intended, to a degree, to interrelate functionally. Although the two applications need to be determined separately, they do raise many of the same issues and it is appropriate to consider them in parallel.
- 1.2 Both sites abut the southern (landward) side of the quay that was created to build the new marina. Immediately to the south of the site areas is a new marina access road, beyond which is the port cargo handling facility. This includes a new cargo storage building and a large apron for storing stacked shipping containers. The commercial/leisure development sits immediately to the southeast of the refurbished Clock Tower Square, with the hotel site extending eastwards beyond. Much of the land forming these application sites is “new land” created as part of the scheme for Terminal 2, pursuant to the Harbour Revision Order approved in 2012. Although the HRO envisaged the clock tower and associated buildings being relocated to a position further north, these relocations have not been initiated and the clock tower remains in its original position at the landward end of the former

Prince of Wales Pier, and that area is undergoing refurbishment and restoration to create a public space. Many of the other works envisaged in the HRO scheme have not, as yet, been taken forward in the approved form. Technically, part of the application sites lies outside the defined urban confines of Dover, as shown on the adopted Policies Map, but only because the boundary was drawn to reflect the shoreline/edge of the land as it then existed.

- 1.3 All the proposed buildings are to be constructed from recycled high-top shipping containers, generally either 6.06m or 12.2m in length, 2.4m wide and 2.9m high. These are then fitted together in various configurations so, for example, two-storey buildings are 5.8m high and single-storey buildings are 2.9m high. Each building is treated externally in a distinctive colour (or colours) to create variety and vibrancy.
- 1.4 Application DOV/20/01220 proposes the erection of four two-storey buildings and a small single-storey building, arranged to create a walkway from the pedestrian route through the new Clock Tower Square to the walkway by the marina (and in front of the proposed hotel) with the clock tower itself sitting at the origin of this axis:
 - A restaurant in the northwest corner of the site, adjacent to Clock Tower Square. The “front” part of the building, closest to the marina, will be single storey with a first floor roof terrace with a glazed balustrade. The rear part will be two storeys with a flat roof. The marina-facing elevation will be staggered to reflect the alignment of the marina, with provision for outdoor seating. External finish will be in a gold colour.
 - To the south of this, also adjacent to the Clock Tower Square, will be a part single-part two-storey building accommodating an outdoor saltwater swimming pool (nominally 25m long), accessed from a roof terrace and changing rooms at first floor level, with a series of lock-up flexible use commercial units alongside at ground floor level. External finish will be light green.
 - To the east of the restaurant, again overlooking the marina, will be a bar/restaurant building with first floor function room; essentially a two-storey building with open first floor terrace. External finish sky blue.
 - Opposite this, and to the east of the swimming pool building, is a two-storey building providing 412m² flexible office space (plus roof terrace) finished in slate grey.
 - Behind this would be a single storey mixed use lock-up building made up of three units.
- 1.5 The hotel accommodation in application DOV/20/01236 would be provided in five, three-storey buildings ranged out along the southern edge of the marina, with six rooms on each floor in each block. Access to each building would be from the rear, with a central staircase providing access to a walkway/veranda on each floor, on the marina side of the building, from which individual rooms would be accessed. One block would include rooms adapted for disabled use. Externally, the hotel blocks will be finished in white.
- 1.6 At the western end of the hotel complex, between the first hotel block and the site of application DOV/20/01220, would be a two-storey Reception building, also

accommodating restaurant, bar roof terrace and admin facilities. Part of this building would have a second floor element cantilevered out, overlooking the marina. The main part of the building will be finished in blue, black and grey, with the overhang having multi-coloured vinyl wrap.

- 1.7 All the buildings associated with the hotel would have roof-mounted PV panels. Parking will be provided to the south of the hotel buildings, between these and the access road leading to the port facilities; a total of 117 car parking spaces is proposed, plus a coach bay and two lorry bays for servicing; most of the parking will be in two ranks either side of a central aisle. The application states that the parking spaces to the rear of the motel site will be covered by a large car port, the roof canopy of which will be used to capture solar energy. All the car parking spaces will have electric car charging points. A landscaped buffer zone will be created between the parking area and the internal access road.
- 1.8 The applications are accompanied by a Planning Statement (incorporating Sequential Test and Statement of Community Involvement), Design and Access Statements (separate for each application), a Heritage and Archaeology Statement, a Transport Statement, and a Flood Risk Assessment.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for the proposed uses, including application of the Sequential Test;
- Design and visual Impact;
- Economic impact;
- Heritage issues;
- Parking and highways considerations.

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy CP1 identifies the town of Dover as the major focus for development within the District, suitable for the largest scale developments. Policy DM1 states that development will not be permitted outside the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. Although part of the current application sites falls outside the defined urban confines, as shown on the Policies Map, this is something of an anomaly that arises because of the land-forming works that have subsequently taken place under the HRO. For the purposes of determining these applications, it is safe to regard the whole of the sites as if they were within the confines and, on that basis, these proposals do not require any specific justification in terms of DM1.
- 2.4 Similarly, one of the objectives of policy DM11 is to focus development in sustainable locations, such as within existing settlement boundaries. So far as the

location of the development is concerned, these proposals are consistent with DM11; assessment against the other objectives of DM11 (such as promoting sustainable means of transport) is dealt with later in this report.

- 2.5 In these respects, policies CP1, DM1 and DM11 may be regarded as up to date and broadly consistent with the NPPF, and the weight afforded to them should not be diminished. However, because there is no specific policy in the adopted Development Plan relating to these sites, and because there is no up-to-date policy relating to the types of facilities proposed, paragraph 11(d) of the NPPF (as quoted above) applies. In this instance, there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the development; therefore, planning permission(s) should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is the over-arching judgement that needs to be made in determining these applications.
- 2.6 Although both sites lie outside the defined area of policy CP8, the surrounding text within the Core Strategy provides some context for consideration of the type of development that might be considered appropriate here. Figure 4.2 sits alongside CP8 and is intended to illustrate the issues associated with the type of redevelopment proposed under that policy, as well as informing the master plan that the policy anticipated. This shows (in diagrammatic form, bearing in mind that the Core Strategy was adopted prior to the finalisation of the HRO) the relationship between the Waterfront, new marina and proposed Terminal 2; this shows the area represented by the current sites as being a buffer area between the new ferry terminal and the marina and Waterfront, and the indication is that this will include leisure uses. This remains a cogent approach, notwithstanding that the detailed nature of the port activities has evolved somewhat differently than anticipated at that time (indeed, it might be even more appropriate in current circumstances). Much of the discussion of the impact of expansion of port facilities in paragraphs 4.7 – 4.10 of the Core Strategy has been overtaken by events, but it is interesting to note that one of the pre-requisites mentions the opportunity for innovative rather than solely functional design.
- 2.7 Elsewhere, paragraph 3.23 talks of the need for additional hotel accommodation in Dover. Various options are discussed, including the need for budget accommodation (partly to be met in the St James's development). Reference is also made to the need and scope for improved eating, drinking and related town centre and leisure-based uses. Although, at that time, it might have been anticipated that this could be realised in the defined Waterfront policy area and elsewhere within the town centre, that was before the new marina had itself come to fruition and, arguably, a whole host of other considerations have either shifted or come into play in the intervening ten years or so.
- 2.8 Taking all these considerations together, there is a very clear context for provision of the range of facilities now put forward on these sites. Not only is there the opportunity to take the best advantage of the relaxed waterfront setting provided by the marina and the wide-ranging views that this affords, but there is also a need to provide the sort of buffer or transition zone that was originally anticipated; this also fits very neatly with the renewal and upgrading of the Clock Tower Square and the surrounding buildings.
- 2.9 Nevertheless, and consistent with paragraphs 86 – 90 of the NPPF, care must be taken not to undermine or prejudice the vitality and viability of the town centre itself, either now or in the future. The combined floorspace provided for in both

applications (including the hotel rooms) is in the region of 2,230m², below the 2,500m² threshold that would require a full impact assessment under NPPF para 89. Given the proximity to the area identified under policy CP8 (and also taking a broader “common sense” approach) it is reasonable to regard this as an edge-of-centre location, notwithstanding the physical discontinuity caused by the A20; it therefore broadly fulfils the requirements of paragraph 87. The applicants have provided a Sequential Test to demonstrate the availability or otherwise of suitable sites within the town centre itself, in accordance with paragraph 86. This included a search of property databases and concluded that there are no town centre sites available for the proposed development, either as a whole or broken down into its constituent parts.

- 2.10 Notwithstanding that conclusion, there would undoubtedly be “added value” achieved through co-location of the various uses, and in the unique (for Dover) setting of the marina. It is worth noting that, with the exception of the swimming pool (Class F2) and bar (sui generis), virtually all the proposed facilities in the mixed-use development will fall within the new Class E of the Use Classes Order meaning that, unless specific provision is made otherwise, there is flexibility for movement between the uses without the need for a planning application. This reality is not yet fully reflected in NPPF advice; however, paragraph 80 advises that significant weight should be placed on the need to support economic growth, building on local strengths. The applicants estimate that the proposed development will generate £8 million of investment into Dover and potentially create around 60 jobs, as well as encouraging more visits to the town and, crucially, providing the opportunity for longer stays and more overnight stays.

Design and Visual Impact

- 2.11 The NPPF places a strong emphasis on the need to achieve good design. Paragraph 124 says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 127 says that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, that they should be visually attractive as a result of good architecture, are sympathetic to local character and history (whilst not preventing appropriate innovation or change), and establish or maintain a strong sense of place, using (amongst other things) building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 2.12 The design ethos adopted for these proposals involves the use of recycled shipping containers fitted together in a variety of configurations to create a mixture of single-storey and multi-storey structures. The use of a range of external treatments, including the choice of colours, is used to provide variety and interest. This is clearly a relatively innovative, non-traditional approach. Despite the guidance provided by the NPPF, backed up by similar advice in the National Design Guide and Kent Design, Members will not need to be reminded that judgements concerning design issues can be highly subjective. In its broadest sense, this is the topic that has given rise to the greatest volume of public response to these schemes.
- 2.13 To a large extent, and as borne out by the NPPF, the particular context within which a development will sit is almost always the first consideration. The applicants have ventured to suggest that the context of the current sites provides little to go on being, as they are, somewhat isolated visually from the main built-up area. It is

perhaps true that, seen from certain vantage points along the seafront, there is little by way of a permanent built backdrop against which these structures will be viewed. That said, whether it be vessels in port at the time, and the functional quayside paraphernalia, including the racking systems to house shipping containers and the shipping containers themselves, forming part of the cargo terminal handling facility (immediately to the south of the sites), a background context is provided, which reads predominantly as a commercial/working port. Seen in a broader context, the proposed structures will form part of views along the seaboard that encompasses a wide range of structures including historic buildings and parts of the conservation area - the most immediate built context is provided, in part, by the clock tower and adjacent buildings. However, it's the backdrop formed by the working port and cargo terminal that provides the predominant context to these sites. This contrasts to some extent with the Clocktower Square environs which, lying west of the port operation area, visually relate more strongly to the prevailing sweep of buildings along the historic waterfront.

- 2.14 Reference has been made to this scheme not reflecting the aspirations set out during workshops on DWDR; so far as design issues are concerned, this is not something that can be afforded significant weight in planning terms, as those proposals will not have been subject to formal consideration by the Council in its role as local planning authority and indeed elements of that scheme (such as the location/form of buildings on marina curve) were for indicative purposes only. It's also contended that the form of development proposed, lying further east of Clocktower Square and seen relative to the working port environment, would not be viewed as inconsistent with or as detracting from the wider historic waterfront context – this being a point of concern for some third parties. Rather, given the prevailing port operational context immediately adjoining the sites, there's a strong case for concluding that the development typology would be seen as a playful and creative counterpoint to the 'harsher' port environment against which it would be predominantly viewed.
- 2.15 Whilst context is important, other factors also have a bearing, including the specific function of the development and the role that it may fulfil in adding to vitality and providing a sense of place. The applicants argue that the scheme design has an exciting appearance that will be complementary to the port activities and waterside development, and that the colour palette that has been chosen reflects colours dominant in the marine environment. The combination of building shapes and colours is said to create a distinctive and vibrant ambience that will create its own "sense of place" appropriate to the functions of the development. Reference has been made to developments elsewhere that have adopted similar techniques: Boxpark in Shoreditch, Trinity Buoy Wharf in the Stratford Olympic Park, and Wapping Wharf in Bristol, for example. These are all waterside venues offering eating/drinking and meeting facilities and, judging by the material available, the physical environment creates a lively and vibrant atmosphere which while distinctive, are considered to 'work' in their respective locations. There are also examples of hotel development based on the same principles but currently these appear to be mostly outside the UK.
- 2.16 There is a reasonable case for saying that the proposed form of development is appropriate to the intended uses, and that it has potential to contribute to the commercial success of the scheme. There has been some criticism that the scheme will lack longevity, either because of its physical components or because its attractiveness will be transient. Only time will tell. However, it's perhaps also pertinent to note that this form of development can be created relatively quickly, without long lead-in times for construction, that it is comparatively low cost, with

low overheads, making it potentially attractive to small and start-up businesses, sustainable, versatile and adaptable. It's also worth noting that by virtue of the ephemeral nature of the proposals, the scheme should also be capable of being removed from site relatively easily in the event of any future development opportunities emerging which comprise more traditional/permanent building forms. In other words, the proposal wouldn't prejudice future/alternative development options. (This might lead to consideration as to whether these proposals could be determined on the basis of a temporary planning permission - such an approach however would fail the test of reasonableness given the level of investment that this scheme would still require.)

- 2.17 On a very practical point, the proposals would also significantly enhance place making and complement/support the work being carried out to enhance the Clocktower Square as part of the DWDR. This would be achieved through creating a strong sense of enclosure to the eastern side of Clocktower Square. The introduction of built forms at this point will help screen the cargo terminal activities and introduce a more 'public friendly' bookend to the square with active frontages at ground and first floor level. It will also provide a degree of enclosure to the Square which will enhance its attractiveness and sense of place, as will the additional footfall generated by the new uses. The footprint and height of the hotel block will also create a visually stronger and more pleasing edge to the marina curve, introducing commercial activity and obscuring some of the less pleasing port infrastructure from public views on both the marina curve and further afield along the new pier and waterfront.

Economic Impact

- 2.18 Reference has been made above to the scale of investment proposed by this scheme and the employment opportunities arising. It's also important to say that the nature of this proposal has the potential to 'kick-start' interest in leisure-based harbourside commercial activity of a type that is currently under-represented within the Dover context and unlikely to emerge at this time through more traditional and more expensive/investment hungry development formats. From an Inward Investment perspective therefore, this is seen as a rare opportunity to boost the visitor economy in a highly sustainable location. It should also consolidate the waterfront as a destination in its own right, helping stimulate footfall and spend within this location to the benefit of adjoining areas including the town centre. The strong support for the proposal by the Head of Inward Investment will be noted.

Heritage Issues

- 2.19 The proposals need to be assessed in terms of their impact on nearby designated and undesignated heritage assets. These include Grade II listed buildings at the Clock Tower and former Lifeboat House, and Wellington Dock; Waterloo Crescent conservation area is some distance away to the north, but can be viewed in the context of the application sites from certain vantage points.
- 2.20 Section 66(1) of the Listed Buildings and Conservation Areas Act states that: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses"*.
- 2.21 Section 72(1) states that: *"In the exercise, with respect to any building or land in a conservation area, of any powers under any of the provisions mentioned in sub-*

section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

- 2.22 The applicants have submitted a detailed Heritage Statement, as required by NPPF paragraph 189 and the Council’s Heritage Strategy. The Clock Tower and Lifeboat House date from the 1860s/1870s but were, apparently, relocated to their current position in 1892. They are two of the few remaining buildings in the Western Docks area that reflect the 19th Century development of the harbour. The Clock Tower is the dominant building, having a height of 19.75m and, taken together, they are the focal point of the recently refurbished Clock Tower Square, and the layout of the surrounding space will reflect that. The closest of the new buildings (restaurant and swimming pool building) will be about 50m from the Clock Tower, but will be at the edge of the Square and potentially affect its setting. However, at 5.8m high these buildings are considerably lower and will not challenge the dominant role of the tower or detract from its role as the focus of the public space. Moreover, the layout of the scheme is such that the new buildings will frame views of the tower, when approaching from the marina in front to the hotel, thus emphasising and enhancing its pivotal role. The scheme therefore satisfactorily meets the tests of S66 in relation to these, the closest of the listed buildings.
- 2.23 Although Wellington Dock is also nearby, these proposed developments are unlikely to have a significant effect on its setting, given the variety of other visual influences on the dock itself. A similar conclusion may be reached with regard to the impact on the Waterloo Crescent conservation area. The submitted Heritage Statement also discusses the impact on the former Prince of Wales Pier, also Grade II listed; this has largely been concealed by 20th Century works to the harbour, but elements have been salvaged to be incorporated, it is anticipated, in the design of the Clock Tower Square.

Parking and Highways

- 2.24 In terms of access and traffic considerations, policy DM11 seeks to ensure developments are sustainably located and offer an appropriate choice of means of travel other than the private car. Policy DM12 resists development that would have an unacceptable impact on the strategic road network. Policy DM13 advocates a design-led approach to the provision of car parking, based upon the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.25 The submitted Transport Statement concludes that the site is reasonably accessible on foot and by bike, including being within 500m of National Cycle Network 2. It is also within about 650m of existing bus stops on Snargate Street, served by frequent services to a number of destinations. It is about 1.5km from the railway station. It is therefore concluded that there is a good level of accessibility to alternative transport modes, which represent a realistic mode of transport for staff and customers.
- 2.26 In assessing the likely traffic generation, it is noted that a significant proportion of hotel guests will be going to or from the ferry terminal (perhaps as high as 90%) and this traffic will therefore already be “on the network”. For the leisure uses, it is calculated that around 75% of the traffic could be “linked trips” and again already “on the network”. These assumptions are not necessarily fully accepted by Highways England. However, this all needs to be seen in the context of previous traffic assumptions around the anticipated development of Dover Waterfront and the HRO, including Terminal 2 and the associated infrastructure; this will have

informed the design and capacity built into the remodelled Union Street/Snargate Street junction, completed in 2017. On that basis, both Highways England and KCC are satisfied that this development will not have an unacceptable impact on either the strategic or the local highway network. As Union Street is not an adopted public highway, it has been included within the application sites (the “red line” boundary) and appropriate access arrangements will need to be secured through these applications; this is a matter that can be adequately dealt with through conditions.

- 2.27 With regard to car parking, the Transport Statement puts forward the following strategy:

The application includes a total of 119 parking spaces. The primary demand for parking will be derived from hotel guests, as such each room is allocated with 1 parking space. The proposal also includes adequate parking facilities for large vehicles, such as coaches, RVs, and mobile homes. The balance of parking provision will be allocated to essential car users and staff. The provision of parking will comfortably accommodate the parking demand derived from the main demand generator, the hotel. Spaces will be pre-booked and allocated based on need. Given the access to sustainable modes of transport, location, and complementary nature it is considered appropriate to minimise parking supply for the leisure and commercial uses.

Within a comfortable walking distance of the proposed development are a number of car parks. Those owned and managed by DHB currently allocated for Marina users totalling 298 spaces. There is a possibility of adding a further 107 spaces by extending and creating additional further car parking. The 77 public spaces within Camden Crescent car park owned/managed by DDC and additional on-street public car spaces along the sea front (Marine Parade/Esplanade). To conclude, there is ample existing car parking provision that can be used by visitors to the new Marina and the mixed-use element of the proposal. There is also an opportunity for future expansion, depending on demand, which will future proof the proposal, removing any risk that overspill parking or associated congestion could affect local streets and roads.

- 2.28 Kent Highways is content with this approach; it reflects the anticipated propensity for linked trips to the leisure facilities whilst acknowledging that hotel users are more likely to arrive by car; it makes the most of existing (off-site) parking facilities and avoids an inordinate proliferation of additional parking; it is also consistent with NPPF principles.

Other Issues

- 2.29 The applications are accompanied by a Flood Risk Assessment, as part of the site is within Flood Zone 2, according to published mapping. However, the construction works undertaken to create the marina are designed to provide suitable protection against a surge tide, and the marina wall and lock gates are at an appropriate height.
- 2.30 Issues raised by Southern Water regarding drainage and sewerage, and the EHO request for a construction management plan, can be dealt with by conditions and informatives.

3. Conclusion and Sustainability

- 3.1 These two applications provide an opportunity to accommodate welcome investment to bolster the visitor economy. The hotel will provide further opportunities to encourage otherwise transient visitors to stay longer, an objective long recognised as a key element in promoting the tourism sector in the town and the wider district. Part of its 'USP' would also be measures to limit climate change using solar panels and 100% use of electric vehicle charging points. The sites are in a highly sustainable location and the development takes appropriate advantage of the setting and ambience provided by the new marina. The design is innovative and colourful and will provide a suitably upbeat context for the proposed uses. It successfully balances this with appropriate respect for the historic elements of its setting. The overall package would significantly enhance the local environment by improving the setting of recent public realm enhancements undertaken as part of the DWDR and screen more visually intrusive areas associated with the commercial cargo handling activities. It would help to consolidate the new waterfront quarter as a destination in its own right, adding footfall and visitor spend, and creating local employment to the benefit of the town and local economy.
- 3.2 In terms of the three strands of sustainable development identified in NPPF paragraph 8, the schemes together support economic growth, building on local strengths, achieve the social objective of providing services to support a strong, vibrant and healthy community and support the environmental objectives of making effective use of land and making an appropriate contribution to the built environment. In terms of the overarching test in NPPF paragraph 11(d), there are no adverse impacts of the proposed developments that would significantly and demonstrably outweigh the clear benefits and, on that basis, planning permissions should be granted.

g) Recommendations

- I. **DOV/20/01236 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:
1. Standard commencement condition
 2. List of approved plans
 3. Submission of hard and soft landscaping scheme including details floorscape/ground surface treatments
 4. Provision of car parking as shown on plans
 5. Submission of details of access from the public highway (as required by Kent Highways)
 6. Submission of details of cycle parking
 7. Submission of details of refuse bin storage
 8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
 9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
 10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
 11. Provision of electric vehicle charging points
 12. Submission of details of canopy for parking area
 13. Submission of details of PV panels
- II. **DOV/20/01220 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:
1. Standard commencement condition
 2. List of approved plans

3. Submission of hard and soft landscaping scheme including details floorscape/ground surface treatments
 4. Provision of car parking as shown on plans
 5. Submission of details of access from the public highway (as required by Kent Highways)
 6. Submission of details of cycle parking
 7. Submission of details of refuse bin storage
 8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
 9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
 10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
 11. Provision of electric vehicle charging points
- III. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee, and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett