
Subject: ADOPTION OF THE NELSON STREET, DEAL CONSERVATION AREA CHARACTER APPRAISAL

Meeting and Date: Cabinet – 9 January 2017

Report of: Nadeem Aziz, Chief Executive

Portfolio Holder: Councillor Nick Kenton, Portfolio Holder for Environment, Waste and Planning

Decision Type: Key Decision

Classification: Unrestricted

Purpose of the report: To inform Cabinet of the results of the public consultation exercise, and the proposed modifications to the Nelson Street, Deal Conservation Area Appraisal and to adopt it as a material consideration for planning purposes.

The report also seeks Cabinet approval to undertake public consultation to extend the existing Conservation Area boundary and introduce an Article 4 Direction following the recommendations of the Deal Society.

Recommendation: Cabinet agrees to:

1. the proposed responses to the representations received and the resulting modifications to the Nelson Street, Deal Conservation Area Character Appraisal as set out in Appendix 1;
 2. adopt the Nelson Street, Deal Conservation Area Character Appraisal as a material consideration for planning purposes as set out in Appendix 2;
 3. undertake further work to extend the Conservation Area boundary and to introduce an Article 4 Direction in response to the recommendations in the Nelson Street, Deal Conservation Area Character Appraisal; and
 4. authorise the Head of Regeneration and Development to make any necessary editorial changes to the Nelson Street, Deal Conservation Area Appraisal to assist with clarity, consistency, explanation and presentation in conjunction with the Portfolio Holder.
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1. Summary

1.1 Cabinet approved the Draft Nelson Street, Deal Conservation Area Appraisal for public consultation in September 2016. Consultation has now been undertaken and, following the analysis of representations, minor modifications are now proposed.

1.2 There are three key recommendations in the Appraisal:

- 1) Three extensions to the existing Conservation Area boundary;

- 2) Making of a Tree Preservation Order; and
 - 3) Introduction of an Article 4 Direction which would remove certain permitted development rights in the Conservation Area.
- 1.3 If the recommendations are agreed, the District Council will have to follow separate formal procedures to extend the existing boundary of the Conservation Area, make a Tree Preservation Order and introduce an Article 4 Direction. These will include further public consultation.

2. Introduction and Background

- 2.1 At Cabinet on the 5th September 2016 the draft Nelson Street, Deal Conservation Area Appraisal was approved for public consultation. It had been prepared by the Deal Society, in conjunction with the District Council, following recommendations in the Dover District Heritage Strategy.
- 2.2 The consultation period ran for six weeks from 7th October until 18th November 2016 and the District Council received 3 responses from 3 individuals or organisations. There were no objections to the Conservation Area Appraisal and the findings were generally supported which is a credit to the hard work that the Deal Society have put into preparing the Appraisal.
- 2.3 Further to comments received during the consultation additional text, indicated in **bold** in the Appraisal, has been inserted to make the document more robust and to assist with the interpretation of the Appraisal.
- 2.4 A full list of representations received, together with the proposed District Council responses and amendments are set out in Appendix 1.

Proposed extensions to the existing Nelson Street, Deal Conservation Area boundary

3. Nelson Street, Deal Conservation Area was originally designated in 1977 and extended in 1994. Local councils are required under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review their conservation areas from time to time to ensure that the original designation was correct, and to formulate and publish proposals for further enhancement and preservation of their conservation areas. This Appraisal has, therefore, been produced in compliance with this requirement.
- 3.1 The Appraisal has recommended three extensions to the existing Conservation Area boundary, as follows:
- 1) To include Faber Villa, Robert Street as the building has significant architectural and historic merit such that it makes a positive contribution to the character and appearance of the Conservation Area.
 - 2) To include the small grassed space on Clarence Place adjacent to Faber Villa as this strip of land enhances the setting of the Conservation Area.
 - 3) To include the section of Princes Street up to the junction with Ark Lane, which is currently not in the Conservation Area. The age and style of the buildings are similar and there is no logical reason for their omission from the boundary.
- 3.2 The proposed extensions to the Conservation Area are illustrated on the map in Appendix 3.

Tree Preservation Order

- 3.3 The Appraisal recommended the consideration of applying a Tree Preservation Order to a monkey puzzle tree that is within the rear garden of Prospect Cottage, Water Street, and which is visible from Garden Alley. The tree dominates the intimate space in Garden Alley and as trees within the Conservation Area are very few, the monkey puzzle tree makes a positive contribution to the character of the Conservation Area and as such warrants protection.

Article 4 Direction

- 3.4 The Appraisal has also recommended the introduction of an Article 4 Direction. An Article 4 Direction would remove permitted development rights for single residential dwellings, which in this case would be the properties that are located within the Conservation Area. Works identified in the Article 4 Direction, would require planning permission before they could be undertaken.
- 3.5 The proposed extensions to the Conservation Area, introduction of a Tree Preservation Order and an Article 4 Direction will need to go through separate formal procedures. The results of this public consultation will be reported back to Cabinet.

4. Identification of Options

- 4.1 Option 1: That the amendments to the Nelson Street, Deal Conservation Area Appraisal are agreed and it is adopted as a material consideration for planning purposes: or
- 4.2 Option 2: That the amendments to the Nelson Street, Deal Conservation Area Appraisal are not agreed and it is not adopted as a material consideration for planning purposes.

5. Evaluation of Options

- 5.1 The Appraisal would be used to identify opportunities for environmental improvements, inform new development and to act as an evidence base for the evaluation of new proposals. It would also be used by Planning Inspectors in appeal situations and, as it has been through a public consultation greater weight can also be attributed to it. It also provides the initial evidence for the District Council to start a review of the existing Conservation Area boundary, the introduction of a Tree Preservation Order and an Article 4 Direction, which would provide greater protection to the special character of the Conservation Area.
- 5.2 The Appraisal has been produced in response to the recommendations in the Dover District Heritage Strategy and the accompanying Action Plan. It, therefore, implements part of the Heritage Strategy.
- 5.3 If the Appraisal was not adopted, then the benefits outlined above would not be realised and the special character of the Conservation Area could be at risk through inappropriate development. The first option is, therefore, recommended.

6. Resource Implications

- 6.1 The Appraisal would be made available on the District Council's website. Further internal resources would be required to undertake public consultation relating to the

proposed changes to the Conservation Area boundary, Tree Preservation Order and the introduction of an Article 4 Direction.

7. Corporate Implications

- 7.1 Comment from the Section 151 Officer: “Finance has been consulted and has nothing further to add (SB)”.
- 7.2 Comment from the Solicitor to the Council: “The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make”.
- 7.2.1 Comment from the Equalities Officer: “The report does not specifically highlight any equality implications, however in discharging their responsibilities members are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>”.
- 7.3 Other Officers (as appropriate): None.

8 Appendices

Appendix 1 – Analysis of Representations and Suggested District Council Response

Appendix 2 – Nelson Street, Deal Conservation Area Appraisal September 2016

Appendix 3 – Proposed extensions to the Nelson Street, Deal Conservation Area

Background Papers

Cabinet Report 5th September 2016.

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