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**Subject:** EXTENSIONS TO THE NELSON STREET, DEAL CONSERVATION AREA

**Meeting and Date:** Cabinet – 8 May 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

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**Purpose of the report:** To inform Cabinet of the results of the public consultation exercise on the proposed extensions to the Nelson Street, Deal Conservation Area boundary and to adopt the amended boundary as a material consideration for planning purposes.

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**Recommendation:** Cabinet agrees to the three proposed extensions of the Nelson Street, Deal Conservation Area boundary as set out in Appendix 1.

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## 1. Summary

1.1 Cabinet approved the Nelson Street, Deal Conservation Area Appraisal in January 2017. The appraisal recommended three extensions to the existing Conservation Area boundary. Cabinet gave approval for public consultation to take place on three changes to the boundary of the Conservation Area. Consultation on these changes to the boundary of the Conservation Area has now been undertaken.

1.2 If the recommendation is agreed, the District Council will have to follow a separate formal procedure to publicise the new boundary of the Conservation Area.

## 2. Introduction and Background

2.1 The Nelson Street, Deal Conservation Area Appraisal was approved at Cabinet on the 9<sup>th</sup> January 2017 as a Local Development Document. It had been prepared by The Deal Society, in conjunction with the District Council.

2.2 The Appraisal identified three areas as being suitable for inclusion within the Conservation Area boundary;

- Faber Villa, Robert Street.
- The small grassed space on Clarence Place adjacent to Faber Villa.
- The northern end of Princes Street up to the junction with Ark Lane.

2.3 Consultation was carried out with the owners/occupiers of the properties affected advising on the implications of being included in the Conservation Area and providing a map showing the new boundary and details on how to respond to the consultation. The consultation ran from 7<sup>th</sup> February to 23<sup>rd</sup> March 2017. Two responses were received.

### **Proposed extensions to the existing Nelson Street, Deal Conservation Area**

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 identify whether other parts of the area should be included in the designation.
- 3.1 The Appraisal recommended three extensions to the existing Conservation Area boundary;
  - The first is Faber Villa, Robert Street. It is unclear why the original boundary was drawn to exclude Faber Villa, but it is considered that it has significant architectural and historic merit such that it makes a positive contribution to the character and appearance of the Conservation Area and should therefore be included within the boundary.
  - The second extension includes the small grassed space on Clarence Place adjacent to Faber Villa as this strip of land enhances the character and appearance of the Conservation Area.
  - The third boundary change is to include the northern end of Princes Street up to the junction with Ark Lane. The age and style of the buildings are similar to the rest of Princes Street which is within the Conservation Area and there is no logical reason for the omission from the boundary.
- 3.2 Thirteen residential properties would be affected by the proposed extensions: Faber Villa and nos 33-47 and 24-30 Princes Street. Inclusion in the conservation area boundary would be registered as a land charge on the properties.
- 3.3 Two representations were received, both welcoming the proposed extension of the boundary.
- 3.4 Owners of residential properties within the Conservation Area boundary would be required to apply for planning permission for demolition of a building with a volume of more than 115 cubic metres, or to demolish a gate, wall fence or railing over 1 metre high adjacent to a highway, or over 2 metres elsewhere. New development would also be required to preserve or enhance the special character of the Conservation Area.
- 3.5 The Appraisal also recommended the introduction of an Article 4 Direction, which would remove permitted development rights from residential properties. Works identified in the Article 4 Direction would require planning permission before they could be undertaken. Public consultation on the Article 4 Direction will be carried out for the existing Conservation Area and subject to the approval of the recommendation in this Cabinet report, the three extensions. The results of this separate consultation process would be reported back to Cabinet.
4. **Identification of Options**
- 4.1 Option 1: That the boundary extensions to the Nelson Street, Deal Conservation Area are agreed and adopted as a material consideration for planning purposes: or

4.2 Option 2: That the boundary extensions to the Nelson Street, Deal Conservation Area Appraisal are not agreed and adopted as a material consideration for planning purposes.

## 5. Evaluation of Options

5.1 The Appraisal was produced in response to the recommendations in the Dover District Heritage Strategy and the accompanying Action Plan, with reassessment of the existing boundary a key task of the Appraisal process.

5.2 The extension of the Conservation Area designation will ensure that the proposed areas are afforded a level of protection from development that potentially could otherwise be damaging to the special character of the area. As the Appraisal has identified the three areas as meeting the criteria for being of architectural or historic character and appearance, their inclusion within the Conservation Area boundary is warranted.

5.3 If the boundary extensions are not approved and 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 change to the Conservation Area boundary will be published by a notice in the London Gazette, which incurs no fee, and one local newspaper. The Secretary of State and Historic England additionally need to be informed. The resource implications would be approximately £50-120 for the local newspaper notice (dependent on size of notice). All residential properties affected by the extension will be contacted directly by letter. Further resources would be required to undertake future work relating to the introduction of an Article 4 Direction. These would, however, be set out in a future Cabinet report.

## 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.

7.3 Comment from the Equalities Officer: “This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section of 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>”.

## 8. Appendices

Appendix 1 – Proposed boundary extensions to the Nelson Street, Deal Conservation Area

### Background Papers

Cabinet Report 9<sup>th</sup> January 2017.

Contact Officer: Alison Cummings, Principal Heritage Officer, extension 2464