

<b>Subject:</b>	<b>ADOPTION OF THE UPPER DEAL CONSERVATION AREA CHARACTER APPRAISAL</b>
<b>Meeting and Date:</b>	<b>Cabinet – 2 December 2019</b>
<b>Report of:</b>	<b>Lois Jarrett, Head of Planning, Regeneration and Development</b>
<b>Portfolio Holder:</b>	<b>Councillor Nick Kenton, Portfolio Holder for Planning and Regulatory Services</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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

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**Recommendation:** Cabinet agrees to:

1. The proposed responses to the representations received and the resulting modifications to the Upper Deal Conservation Area Character Appraisal as set out in Appendix 1;
2. Adopt the Upper Deal Conservation Area Character Appraisal as a material consideration for planning purposes as set out in Appendix 2; and
3. Authorise the Head of Planning, Regeneration and Development to make any necessary editorial changes to the Appraisal to assist with clarity, consistency, explanation and presentation, in consultation with the Portfolio Holder for Planning and Regulatory Services.

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## 1. Summary

1.1 Cabinet approved the Draft Upper Deal Conservation Area Appraisal for public consultation in June 2019. Consultation has now been undertaken and following the analysis of representations minor modifications are now proposed.

1.2 Five recommendations have been made, which are as follows:

- 1) To implement an Article 4 Direction on residential properties within the boundary;
- 2) To ensure that the requirements of the DDC Supplementary Planning Guidance on Shopfronts and Signage in Conservation Areas is applied;
- 3) To designate certain buildings/features as Heritage Assets of Local importance;
- 4) To analyse the existing street signage to determine what is obsolete and could be removed; and
- 5) To reconsider the existing boundary.

## 2. Introduction and Background

- 2.1 At Cabinet on 3 June 2019 the draft Upper 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 7<sup>th</sup> August to 18<sup>th</sup> September and the District Council received one response from an organisation which recommended a minor addition to include brief reference to the archaeological records for the area. This additional text has been indicated in **bold** in the appraisal in Appendix 1.
- 2.3 The representation received, together with the proposed District Council response and amendment is set out in Appendix 2.

### 3. **Recommendations within the Appraisal**

- 3.1 Upper Deal Conservation Area was originally designated in 1970. 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.
- 3.2 The draft appraisal includes a management plan which made five recommendations. These have been taken forward into the final draft. The recommendations all seek to ensure that the prevailing historic or architectural character of the conservation area as identified in the appraisal is protected or enhanced where possible.
  - 1) *To implement an Article 4 Direction*: this recommendation would be subject to approval by Cabinet for a further public consultation exercise, the results of which would be reported back to Cabinet to confirm the implementation of the Direction. The appraisal sets out the type of development which would normally be permitted for dwellings that would be removed by the Direction in appendix 4.3.1. The intent of the Direction is not to prevent change but rather to manage it, ensuring any alterations within the conservation area would be sympathetic to its special historic or architectural character as set out in the character appraisal. In addition, where inappropriate alterations have been made, the Direction would provide an opportunity to encourage more sensitive change which would be an enhancement to the established character of the conservation area.
  - 2) *To ensure that the requirements of the DDC Supplementary Planning Guidance on Shopfronts and Signage in Conservation Areas is applied*: the appraisal notes a concern with the quality of replacement shopfronts, and by including this recommendation adds weight to the desirability of good shopfront design in the conservation area.
  - 3) *To designate certain buildings/features as Heritage Assets of Local importance*: the appraisal includes a list of buildings which it is considered would be worthy of inclusion on a local list and that have been identified for their positive contribution to the character of the conservation area against the criteria set out within annex 1 of the Land Allocations Local Plan 2015.
  - 4) *To analyse the exiting street furniture what is obsolete*: the appraisal identifies a superfluous amount of signage particularly to the busy roundabout intersection of three roads. Should the opportunity arise, in conjunction with other parties such as Kent Highways, consolidating the signage where possible would be a benefit to the character of the conservation area.

- 5) *To reconsider the existing boundary*: the Deal Society identified areas currently within the conservation area boundary that make no contribution to the conservation area and others currently outside the boundary that do. These are shown on the map attached as Appendix 3. Redrawing the boundary will follow a separate process and require a further public consultation process and formal approval by Cabinet.

#### **4. Identification of Options**

- 4.1 Option 1: That the amendments to the Upper 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 Upper 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.
- 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. No further internal resources would be required.

#### **7. Corporate Implications**

- 7.1 Comment from the Section 151 Officer: Accountancy 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 equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.
- 7.4 Other Officers (as appropriate): None.

#### **8. Appendices**

Appendix 1 – Upper Deal Conservation Area Appraisal December 2019

Appendix 2 - Analysis of Representations and Suggested District Council Response

Appendix 3 – Map with suggested boundary changes.

**Background Papers**

Cabinet Report of 2 June 2019.

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