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**Subject:** **ADOPTION OF THE ST MARGARET’S BAY CONSERVATION AREA CHARACTER APPRAISAL**

**Meeting and Date:** **Cabinet – 6 March 2023**

**Report of:** **Alison Cummings, Principal Heritage Officer**

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

**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 of the St Margaret’s Bay Conservation Area Appraisal and to adopt it as a material consideration for planning purposes.

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**Recommendation:** That Cabinet:

1. Agrees the proposed responses to the representations received and the resulting modifications to the St Margaret’s Bay Conservation Area Character Appraisal as set out in Appendix 1;
  2. Adopts the St Margaret’s Bay Conservation Area Character Appraisal as a material consideration for planning purposes as set out in Appendix 2; and
  3. Authorises the Head of Planning and Development, in consultation with the Portfolio Holder for Planning and Environment, to make any necessary editorial changes to the appraisal prior to publication to assist with clarity, consistency, explanation and presentation.
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## **1. Summary**

1.1 Cabinet approved the Draft St Margaret’s Bay Conservation Area Appraisal for public consultation in November 2022. Consultation has now been undertaken and following the analysis of representations minor modifications are proposed.

1.2 The appraisal includes a management plan which outlines recommendations and action points that if progressed would contribute to managing change within the conservation area, ensuring that what has been identified as valued features by the local community are appropriately protected. The management plan provides an opportunity for the St. Margaret’s Bay Conservation Association, the District Council, the Parish Council, local amenity groups, Kent County Council, Kent Highways, individual householders and local businesses to take a part in positively managing the area. The recommendations are briefly outlined in paragraph 3 of this report.

## **2. Introduction and Background**

2.1 At Cabinet on the 7<sup>th</sup> November 2022 the Draft St Margaret’s Bay Conservation Area Appraisal was approved for public consultation. The appraisal has been carried out by a consultant with direction by Council officers and significant input and fully funded by

the St Margaret's Bay Conservation Association, a local residents group, following recommendations in the Dover District Heritage Strategy.

- 2.2 The consultation period ran for six weeks from 14<sup>th</sup> November 2022 to the 4<sup>th</sup> January 2023. The Council received 14 responses from individuals or organisations. There were no objections to the Conservation Area Appraisal and the findings were generally supported.
- 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. Deleted text has ~~strikeout~~.
- 2.4 The representation received, together with the proposed District Council response and amendment is set out in Appendix 2.

### 3. **Management Plan Recommendations and Action Points**

- 3.1 The St Margaret's Bay Conservation Area was first designated in 1990. Local planning authorities 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 included a management plan which has set out a number of action points which would assist the Council in discharging its statutory duty with respect to the protection of the conservation area. 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.
- 3.3 There is a recognition that certain aspects of the management plan would require significant resourcing. The consultation response from Historic England encourages the Council to engage further with the local community to enable them to proactively engage with the management of the conservation area through progressing the management plan. This would have a benefit for the community, enhancing the sense of ownership of the conservation area by the local community, and in addition enabling the Council to make best use of its limited resources.
- 3.4 The proposed action points are as follows:
  - Statutes and policies: the management plan recommends that specific development management policies could be developed to protect key important views noted in the appraisal, establish a criteria for local listing and for determining applications involving the demolition and replacement of buildings. The appraisal was drafted prior to Regulation 19 draft of the Dover District Local Plan which includes Policy HE2; this policy covers the protection of designated conservation areas and at this stage is a material planning consideration albeit without full weight at this point in time.
  - Published guidance: the appraisal has identified that design guidance relating to boundary treatments (the design of walls, fences and hedges) could be beneficial.

- Trees: potential survey/audit of all the trees within the conservation area, assessing their condition and amenity value, possibly with a view to expanding the number of Tree Preservation Orders and identifying trees or groups of trees which would benefit from intervention, management or felling.
- Potential for the implementation of 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 implementation. The appraisal sets out the type of development which would normally be permitted for dwellings that would be removed by the Direction. The intent of a Direction is not to prevent change but rather to manage it, ensuring any alterations within a 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.
- Creation of a local list of Heritage Assets: the appraisal includes a list of buildings which it is considered would be worthy of inclusion on a local list should one be developed. These buildings have been identified for their positive contribution to the character of the conservation area and the recommended action point involves the local community developing this initial list through addition of supplementary information such as a photographic survey.
- Heritage at Risk: although no structures were considered to be at risk of loss it has been noted that one particular footpath much used by local and visitor community is in a poor condition.
- Public realm: possible street furniture audit to assess whether the existing is well designed, redundant or inappropriate.
- Enhancement opportunities: these may sometimes arise in relation to development proposals or in isolation, and the opportunity to resolve negative factors which may be harmful to the character of the conservation area could be taken where appropriate.
- Interpretation: enhancement of existing interpretation panels to highlight key elements of the historic environment.

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

- 4.1 Option 1: That the amendments to the St Margaret's Bay 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 St Margaret's Bay 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. The Regulation 19 draft of the Dover District Local Plan is a material planning consideration in the determination of planning applications, however at this

stage in the plan making process, the policies of the draft plan do not carry full weight. The appraisal will support the implementation of draft policy HE2 which relates to the protection of designated conservation areas. 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 Director of Finance (linked to the MTFP): 'Accountancy has been consulted and has no further comment.'

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 regarding the adoption of the St Margaret's Bay conservation area character appraisal 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/section/149>'

7.4 Other Officers (as appropriate):

## 8. **Appendices**

Appendix 1 – St Margaret's Bay Conservation Area Character Appraisal

Appendix 2 - Analysis of Representations and Suggested District Council Response

## 9. **Background Papers**

Cabinet Report 7<sup>th</sup> November 2022.

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