
Subject: CONFIRMATION OF AN ARTICLE 4 DIRECTION IN THE KINGSDOWN CONSERVATION AREA

Meeting and Date: Cabinet – 5 September 2016

Report of: Nadeem Aziz – Chief Executive

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

Decision Type: Executive Key Decision

Classification: Unrestricted

Purpose of the report: To inform Cabinet of the results of the public consultation exercise of the Article 4 Direction and to confirm the Direction.

Recommendation: Cabinet confirms the District of Dover (Kingsdown Conservation Area) Town and Country Planning Direction Number 1 of 2016 Article 4 Direction as set out in Appendix 1.

1. Summary

- 1.1 Cabinet approved the Kingsdown Conservation Area Appraisal in October 2015. The appraisal recommended the introduction of an Article 4 Direction to remove permitted development rights from residential properties within the conservation area. Cabinet gave approval for public consultation to take place on the implementation of an Article 4 Direction. Consultation has now been undertaken.
- 1.2 If the recommendation is agreed, the District Council will have to follow a separate procedure to publicise the formalisation of the Article 4 Direction.

2. Introduction and Background

- 2.1 The Kingsdown Conservation Area Appraisal was approved at Cabinet on the 5th October 2015 as a Local Development Document. It had been prepared by the Kingsdown Conservation Group, in conjunction with the District Council, and is the first Appraisal in the District to be prepared following the adoption of the Dover District Heritage Strategy.
- 2.2 Consultation on the introduction of an Article 4 Direction was carried out by the posting of notices at five locations within the conservation area, including the village noticeboard, advising on the type of development that was affected and providing details on how to view a map of the area affected, and how to make representation. The consultation ran from 9th June 2016 for a period of 21 days. Only one response was received. A copy of the site notice is included in Appendix 2.

Introduction of an Article 4 Direction

3. Kingsdown Conservation Area was originally designated in 1970 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 the introduction of an Article 4 Direction, which would remove permitted development rights from residential properties which could potentially be damaging to the recognised special character of the conservation area. Works identified in the Article 4 Direction would require planning permission before they could be undertaken. The Article 4 Direction relates to residential properties only and is registered as a land charge. A copy of the direction is included in Appendix 1.

3.2 A response of support was received from Ringwould with Kingsdown Parish Council and is included in Appendix 2. No further responses were received.

4. Identification of Options

4.1 Option 1: That the making of an Article 4 Direction on the Kingsdown Conservation Area is confirmed as a material consideration for planning purposes: or

4.2 Option 2: That the making of an Article 4 Direction on the Kingsdown Conservation Area Appraisal is not confirmed as a material consideration for planning purposes.

5. Evaluation of Options

5.1 The Kingsdown Conservation Area Appraisal was produced in response to the recommendations in the Dover District Heritage Strategy and the accompanying Action Plan, with the implementation of an Article 4 Directions being a recommended outcome of the appraisal process.

5.2 The introduction of an Article 4 Direction would afford a level of protection from development that potentially could otherwise be damaging to the special character of the conservation area. As the Appraisal has identified the need for an Article 4 Direction. Officers recommendation is that the making of a direction is warranted.

5.3 If the Article 4 Direction is not confirmed 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 confirmation of the Article 4 Direction will be published by a notice in one local newspaper and notices posted at not less than two locations within the conservation area. The Secretary of State and Historic England additionally need to be notified. The resource implications would be approximately £50-120 for the local newspaper notice (dependent on size of notice). An internal cost to the Council will be generated by the need to plot the Article 4 Direction as a layer on the Council's GIS mapping system.

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 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): Land charges

8. **Appendices**

Appendix 1 – Copy of the Article 4 Direction

Appendix 2 – Public notice and copy of representation received

Background Papers

Cabinet Report of 2 October 2015.

Cabinet Report of 29 February 2016.

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