

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 APRIL 2011  
title: PROPOSED DESIGNATION OF KIRK MILL CONSERVATION AREA  
EXTENSION  
submitted by: HEAD OF PLANNING  
principal author: ADRIAN DOWD – PRINCIPAL PLANNING OFFICER (DESIGN AND  
CONSERVATION)

### 1 PURPOSE

1.1 To seek Member agreement to the designation of an extension to Kirk Mill Conservation Area, Chipping.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To protect and enhance the existing environmental quality of our area.
- Community Objectives – The Ribble Valley Sustainable Community Strategy 2007-2013 has three relevant strategic objectives – maintain, protect and enhance all natural and built features that contribute to the quality of the environment. Ensure that the design of buildings respects local character and enhances local distinctiveness. Sustainably manage and protect industrial and historical sites.
- Corporate Priorities - Objective 3.3 of the Corporate Plan commits us to maintaining and improving the environmental quality of the Ribble Valley. Objective 3.8 of the corporate plan commits us to conserving and enhancing the local distinctiveness and character of our towns, villages and countryside when considering development proposals.
- Other Considerations – None.

### 2 BACKGROUND

2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69, states that every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and, shall designate these areas as conservation areas.

2.2 Section 69 of the Act also states that it is the duty of the local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas.

2.3 There is no statutory requirement to consult prior to conservation area designation or appraisal. However, English Heritage's 'Guidance on Conservation Area Appraisals' (2006, paragraph 3.2) advises that:

*“Once a conservation area appraisal has been completed in draft form, it should be issued for public comment. Local consultation can help to bring valuable public understanding and “ownership” to proposals for the area. Thought should be given to encouraging a wider public debate, drawing together local people, resident groups, amenity groups, businesses and other community organisations, in a discussion about issues facing the area and how these might be addressed. Ideally, consultation should be undertaken generally in line with the local authority’s statement of community involvement (SCI)”.*

2.4 In February 2010 Members designated Kirk Mill Conservation Area in response to the immediate threat of redevelopment to the late 18<sup>th</sup> Century industrial hamlet. A limited consultation exercise was undertaken prior to decision, which suggested that the conservation area boundary might have been drawn too tightly and without full consideration to the interest of the ‘Arkwright style’ water-powered mill’s hydraulic engineering features remaining in the landscape. There was also a wish for local input into the drawing up of any revised conservation boundary.

2.5 In July 2010 Members agreed to the undertaking of a one month public consultation on the proposed extension of Kirk Mill Conservation Area.

### 3. PUBLIC CONSULTATION

3.1 Public consultation on the proposal to extend the conservation area boundary to include the mill’s hydraulic engineering features and the full extent of the natural bowl in which the hamlet is contained, began in the week commencing 6 September 2010 with comments to be received by 11 October 2010. However, as the process was non-statutory, comments received after the official end date have been considered.

3.2 Letters explaining and justifying the proposal and advising as to the main impacts of conservation area designation were sent to all known owners/occupiers of properties within the existing and proposed conservation area boundaries, the Parish Council, Chipping Local History Society, the administrator for H J Berry & Sons Ltd, the land agents for the sale of H J Berry & Sons Ltd’s assets and Lancashire County Council (Archaeology). Site notices advising of the above and including maps of the existing and proposed boundaries were placed in the area.

3.3 The responses received are summarised below:

- i) lead administrator of H J Berry & Sons Ltd – no particular issue with revised boundary (verbal communication).
- ii) owner of Clark House Farm – has land within the proposed conservation area extension - initial concern that may affect his agreement to maintain the wildflower meadow (verbal communication).
- iii) Owner of Austin House and his agent – initial response advises that the historic weir on Dobson’s Brook has been largely destroyed by past flooding. No reason why the house itself cannot form part of the conservation area but hope that such designation does not impact unreasonably on wish to enjoy residential surroundings as well as to adjust their living accommodation respectfully. Question whether boundary is too wide given the change/loss to the mill’s original hydrological features, a TPO covering some of the woodland and the AONB designation and suggests that this may dilute the Conservation Area (verbal communication 15/9/10 and letter received 22/9/10). Subsequent

response objects to the conservation area extension (letter received 7/10/10 which also reflects upon the receipt of pre-application opinions from Borough Council officers expressing concern at an element of the owner's proposals to extend his property).

#### 4 RISK ASSESSMENT

##### 4.1 The approval of this report may have the following implications:

- Resources – Conservation area designation and extension may result in an increase in planning applications submitted as a result of “permitted development” thresholds being reduced. Whilst the Council currently receives less than 10 conservation area consent applications for the demolition of buildings within conservation areas each year, it should be noted that this type of application carries no submission fee. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires new conservation area designations to be publicised in the London Gazette and in at least one newspaper circulating in the area of the local planning authority.
- Technical, Environmental and Legal – The main consequences of conservation area designation are:
  1. the Borough Council has a statutory duty to keep conservation area designations under review.
  2. the Borough Council is under a general duty to ensure the preservation and enhancement of conservation areas, and a particular duty to prepare proposals to that end;
  3. notice must be given to the Borough Council before works are carried out to any tree in the area;
  4. Conservation area consent is required for the demolition of most unlisted buildings in the area (enforcement action or criminal prosecution may result if consent is not obtained);
  5. the limits of what works may be carried out without planning permission are different;
  6. extra publicity is given to planning applications affecting conservation areas;
  7. the Borough Council is to take into account the desirability of preserving and enhancing the character and appearance of the area when determining applications;
  8. the making of Article 4 Directions, which limit permitted development rights, is more straight forward;
  9. the Borough Council or the Secretary of State may be able to take steps to ensure that a building in a conservation area is kept in good repair;

##### 4.2 Consideration of the proposed conservation area extension has been stymied by the Insolvency Act 1986 and an Administration Moratorium related to the assets of H J Berry & Sons Ltd. However, officers were advised on 14 March 2011 that this Administration had come to an end (10 February 2011) and land related to the proposed conservation area extension had been sold (7 March 2011). The administrators had previously confirmed to

officers that they would advise prospective purchasers of the Borough Council's proposals and intentions concerning the conservation area.

- Political – N/A.
- Reputation – N/A.

## 5 CONCLUSIONS

- 5.1 By necessity, Kirk Mill Conservation Area was designated without full appraisal or extensive consultation. However, public interest in and support for the designation suggested a need for consideration of the inclusion of additional buildings and the discreet but intrinsic archaeological features of the water-powered mills catchment area. It also became clear that a significant and positive element of the character and interest of Kirk Mill hamlet is its containment and relative isolation resulting from topography and location within a natural bowl.
- 5.2 In my opinion, and mindful of the Borough Council's duty at Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed conservation area extension shown on the appended map is an area of special architectural and historic interest associated with the late 18<sup>th</sup> century mill and hamlet which should be preserved or enhanced.
- 5.3 No subsequent response was received from the owner of Clark House Farm. It is presumed that initial concerns related to an English Nature Stewardship Scheme. Conservation area designation would not result in control over a farmer's wish to cultivate/or not to cultivate his land holding.
- 5.4 Whilst I note the comments of the owner of Austin House and his agent, I am also mindful that conservation area designation is primarily concerned with the protection of *areas* rather than individual buildings. The hillside to the rear of Austin House forms a pleasing and highly visible backdrop to the mill pond and Austin House. TPO and AONB designation does not confer protection to the special architectural and historic interest of the area. I would confirm that conservation area designation is intended to manage rather than prevent change so that the unique character, appearance and significance of this area can be safeguarded from unduly harmful development.

## 6 RECOMMENDED THAT COMMITTEE

- 6.1 Designate an extension to Kirk Mill Conservation Area in accordance with the 'proposed' boundary shown on the appended plan.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 Referred to in report.

For further information please ask for Adrian Dowd, extension 4513.