

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 15 SEPTEMBER 2011
title: PROPOSED ARTICLE 4 DIRECTION CONFIRMATION –
1 – 5 THE GROVE, CHIPPING
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ADRIAN DOWD – PRINCIPAL PLANNING OFFICER (DESIGN AND CONSERVATION)

1 PURPOSE

- 1.1 To seek Member agreement to the confirmation of an Article 4 Direction, restricting some residential permitted development rights, at 1 – 5 The Grove, 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 In February 2010 Members designated Kirk Mill Conservation Area in response to the immediate threat of redevelopment to the late 18th Century industrial hamlet. Members also authorised the Director of Development Services to serve Article 4 Directions restricting potentially damaging 'permitted development' rights on Grove House and other residential properties at Kirk Mill.
- 2.2 In June 2010 Members authorised the Director of Development Services to consult the owners and occupiers of affected properties, and the relevant Parish Councils, in regard to progression with the Article 4 Directions recommended by The Conservation Studio consultants in their appraisal of the Borough's conservation areas.
- 2.3 In November 2010 Members authorised the Director of Development Services to make an Article 4 Direction on 1 – 5 The Grove in respect of specific householder permitted development rights of potential harm to the character and appearance of Kirk Mill Conservation Area. This followed non-statutory public and owner/occupier consultation on the proposed permitted development restrictions.
- 2.4 The nature of the permitted development restrictions under consideration has required the making of the Article 4 Direction to follow the 'non immediate' procedure. This has ensured a further period of public (site notice and newspaper advertisement), owner/occupier,

Secretary of State and Lancashire County Council consultation prior to Member's consideration of Direction confirmation and the bringing of the Direction into force.

2.5 The Direction (appended) was served on 14 July 2011 and the statutory notification/consultation undertaken.

3 PUBLIC CONSULTATION

3.1 The Department of Communities and Local Government has confirmed (letter 18 July 2011) that the Secretary of State has no comments to make in respect of the Direction. No other comments have been received.

4. RISK ASSESSMENT

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

- Resources – Planning applications generated by the making of an Article 4 Direction are not fee earning. Where an application for planning permission is made following an Article 4 Direction compensation may be payable if permission is refused. (English Heritage's 'Guidance on Making Article 4 Directions' (2010), notes that compensation claims have been extremely rare. A 2003 study found no evidence for any compensation payments having actually been made). English Heritage advise that the most significant factor in the effectiveness of Article 4 Directions is their monitoring and the undertaking of prompt enforcement action if breaches occur. Post confirmation public notification (including 'local advertisement') will require expenditure.
- Technical, Environmental and Legal – The Council has a statutory duty to keep conservation area designations under review and to prepare and monitor management proposals.
- Political – N/A
- Reputation – N/A.

5. CONCLUSIONS

5.1 In my opinion, the restriction of specific permitted development rights at 1 – 5 The Grove (the former workhouse, converted into workers cottages in the early 19th century) is justified by the key contribution of this building to the special architectural and historic interest of Kirk Mill Conservation Area.

5.2 Statutory consultation suggests no immediate concern at the proposals from the owners/occupiers of 1 – 5 The Grove, the general public or others with an interest.

6. **RECOMMENDED THAT COMMITTEE**

6.1 Confirm the Article 4 Direction relating to 1 – 5 The Grove, Chipping in an unaltered form.

DIRECTOR OF COMMUNITY SERVICES

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