

CABINET

Lancaster Moor Conservation Area 6th December 2022

Report of Director for Economic Growth and Regeneration

PURPOSE OF REPORT			
To advise Cabinet of the proposals and the outcome of consultation and to seek Cabinet approval for the designation.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/> Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A		
This report is public.			

RECOMMENDATIONS OF Councillor Dowding

- (1) That Cabinet approves the rescinding of the previous Lancaster Moor Conservation Area designation and approves the making of a new designated Lancaster Moor Conservation Area.

1.0 Introduction

- 1.1 The concept of conservation areas was initiated in 1967 through the Civic Amenities Act, with the powers now consolidated in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "1990 Act"). The founding legislation was made largely in response to the uncontrolled demolition of large parts of the historic environment during the post-war period, particularly within cities, which was leading to the loss of historic character and townscape. It established the area-based protection of our historic environment that we recognise today.

- 1.2 The duties of local planning authorities imposed by sections 69(1) and (2) of the 1990 Act are as follows;

69.— Designation of conservation areas.

(1) Every local planning authority—

(a) 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

(b) shall designate those areas as conservation areas.

(2) It shall be the duty of a 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; and, if they so determine, they shall designate those parts accordingly.

1.3 The 1967 legislation led to the designation of conservation areas in Lancaster and Morecambe and many other towns and villages in the district. The Council designated its first conservation area in Heysham in 1972, and there are now a total of 38 conservation areas in the district as a whole (excluding the national park).

2.0 Proposal Details

2.1 In January 2022 a conservation area was designated for Lancaster Moor, which is an area located on the eastern fringes of the city. This designation was carried out under urgent circumstances, the timing of the designation being influenced by proposals to demolish the former hospital block of Ridge Lea, which is a fine unlisted building associated with the Lancaster Moor Hospital and an important component within the local historic environment. It was considered that the loss of Ridge Lea would, therefore, have caused considerable harm to the architectural and historic character of the wider area. That concern justified designation as a matter of urgency of the conservation area at Lancaster Moor.

2.2 While the timing of the designation was influenced by the proposed demolition of Ridge Lea, the Council's reason for the proposed designation was that the character and appearance of the identified conservation area clearly merited conservation area status. The historic interest of the area's development and the architectural quality of buildings and landscapes was found to contribute significantly to its special interest and fully warrant preservation and enhancement.

2.3 Because the decision to designate the conservation area was made urgently, a Cabinet Report, a boundary map (Appendix 1) and a concise conservation area assessment were prepared that outlined the area's special interest. However, given the urgent circumstances at the time, there was insufficient time to carry out public consultation before deciding to designate the conservation area.

2.4 Since that time, the Council has undertaken a programme of public consultation during August and September 2022.

3.0 Legislative and Policy Context

3.1 The Council's duties imposed by sections 69(1) and (2) of the 1990 Act are set out above.

3.2 The adopted Strategic Policies and Land Allocations Development Plan Document includes Policy SP7 *'Maintaining Lancaster District's Unique*

Heritage'. This sets out the Local Planning Authority's (LPA's) approach to protecting the historic environment. The policy also identifies "*significant buildings*" including some that are located within the Lancaster Moor Conservation Area.

- 3.3 The National Planning Policy Framework (2021) at paragraph 191 (and paragraph 024: Ref:ID18a-02420190723 of the National Planning Policy Guidance ("the NPPG"), states that, when considering the designation of conservation areas, LPAs should ensure that an area justifies such status because of its special architectural or historic interest. This is to ensure that the concept of conservation is not devalued through the designation of areas that lack special interest.
- 3.4 In addition the NPPG notes that undertaking a conservation area appraisal may help a local planning authority to make its judgment with regard to the merits of a proposed conservation area and refers the reader to Historic England's website for further advice on conservation area designation, appraisal and management (to which regard has been had in preparing this report).
- 3.5 The production of a conservation area appraisal, where time allows, is considered to be best practice within the guidance produced by Historic England in order to assess the quality and special interest of an area. This helps to ensure that the area in question is of sufficient quality to warrant designation.

4.0 Effect of Designation

- 4.1 The designation of a conservation area introduces a general control over the demolition of buildings and the felling/lopping of trees (it also means that certain permitted development rights that might ordinarily be exercised are restricted). Accordingly, the consequence of designation for landowners, occupiers, and developers of land is to place additional levels of control over the development of and activities on land within the conservation area. In particular, in determining applications for development, it is necessary for a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area pursuant to Section 72 of the 1990 Act.
- 4.2 The adopted Development Management Development Plan Document includes Policy DM38 '*Development Affecting Conservation Areas*'. The policy seeks to ensure that the qualities and features of the conservation area are considered when determining planning applications to ensure development preserves or enhances its character and appearance, as required by the 1990 Act.

5.0 Details of Consultation

- 5.1 Consultation letters were sent to local residents, property owners and other interested parties (sample letter at Appendix 2). These letters included the conservation area boundary map.

- 5.2 Recipients were provided with a six-week period for responding to the consultation. During this period further information regarding the conservation area designation has also been available on the Council's website. This included a draft Conservation Area Appraisal (Appendix 3), which assesses the special interest of the area.
- 5.3 The consultation has sought public views on both the principle of the conservation area designation for Lancaster Moor, including the proposed boundary, and on the draft appraisal document. At the time of compiling this report, the Council had received 64 responses of support for the retention of a conservation area designation for Lancaster Moor, and 4 responses of objection. The Council also received one combined response from 6 residents seeking that the boundary be amended to exclude their back gardens.
- 5.4 The Council has considered all of the responses. It is concluded that none of the responses and issues raised within them outweighs the justification for conservation area designation for Lancaster Moor. However, as a result of the consultation the Council considers that a minor boundary change (as proposed by residents) is appropriate, on the basis that the properties in question form part of an infill of modern housing within the grounds of Standen Park.
- 5.5 The consultation responses and the Council's response to matters raised are included at Appendices 4 to 6.

6.0 Options and Options Analysis (including risk assessment)

	Option 1: That the conservation area designation is approved.	Option 2: That the conservation area designation is not approved
Advantages	The designation would be consistent with the LPA's statutory duties under Section 69 of the 1990 Act and would provide appropriate protection to an area of special architectural and historic interest.	None.
Disadvantages	None.	The special architectural and historic interest of the area would be at risk of not being preserved or enhanced.
Risks	None.	That as a consequence of non-designation, historic buildings, features and trees may be lost.

7.0 Officer Preferred Option (and comments)

7.1 The preferred option is Option 1.

8.0 Conclusion

8.1 In accordance with the LPA's statutory duties and national policy, and having considered the responses to the public consultation, the LPA concludes that a conservation area designation for Lancaster Moor is retained, but with minor modifications to the conservation area boundary.

8.2 As a consequence of these amendments, it is therefore recommended that the previous conservation area designation be rescinded and that a new conservation area designation be made under section 69 of the 1990 Act, based on the revised boundary map within Appendix 7.

RELATIONSHIP TO POLICY FRAMEWORK

Under Section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a duty to consider which parts of their district comprise areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Consequently it shall designate those areas as conservation areas. The adopted Local Plan contains policies for the management of conservation areas in response to planning applications for the development of land and buildings.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

There are no further implications.

LEGAL IMPLICATIONS

The duty to designate a conservation area derives from Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The legislative context is appropriately set out in this report. Conservation area designation means that controls are imposed on certain activities on land within the conservation area (e.g. demolition and the felling of trees). The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area under Section 72 of the 1990 Act.

FINANCIAL IMPLICATIONS

The designation of a conservation area does not, by itself, have any direct financial implications for the Council. There are minor implications for resources in relation to planning applications for demolition, for tree works, and an increase in publicity where such applications arise. These issues are small and can be met from existing resources.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and had no further comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and had no further comments to add.

BACKGROUND PAPERS

Appendix 1:

Boundary Map of Lancaster Moor Conservation Area – January 2022.

Appendix 2:

Consultation letter and consultation information.

Appendix 3:

Lancaster Moor Conservation Area Appraisal.

Appendix 4:

Comments received from Seemore Properties and officer response.

Appendix 5:

Comments received from City Portfolio and officer response.

Appendix 6:

Other comments received and officer response.

Appendix 7:

Revised Boundary Map of Lancaster Moor Conservation Area – December 2022.

Appendix 8:

Revised Lancaster Moor Conservation Area Appraisal – December 2022.

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