

# CABINET

## Lancaster High Streets Heritage Action Zone (HSHAZ) Mill Race Area Conservation Management Plan (CMP)

### Individual Cabinet Member Decision (Councillor Parr)

### Report of Chief Officers for Sustainable Growth and Planning & Climate Change

PURPOSE OF REPORT				
To seek approval from the Cabinet Member for the formal adoption of the Mill Race Area's Conservation Management Plan (CMP).				
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				

#### RECOMMENDATION OF CHIEF OFFICERS FOR SUSTAINABLE GROWTH AND PLANNING & CLIMATE CHANGE

- (1) That the Cabinet Member endorses the formal adoption of the Mill Race Area Conservation Management Plan which seeks to guide the future use and management of this historically significant area during and beyond the life of the Lancaster High Streets Heritage Action Zone programme.

#### 1.0 Introduction

- 1.1 The Mill Race Area falls within the existing Lancaster Conservation Area, and is therefore subject to the Conservation Area requirements under the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 1.2 Local Planning Authorities have a duty to formulate and publish proposals for the preservation and enhancement of conservation areas, such as CMPs, and to consult the public in the area in question, taking account of the views expressed (section 71 [1, 2 and 3]).
- 1.3 The Mill Race Area was singled out to become the focus of a nationwide initiative designed to secure lasting improvements to our historic high streets for the communities that use them.

#### ***Lancaster High Streets Heritage Action Zone (HSHAZ)***

- 1.4 The HSHAZ project is a four-year £2m+ grant programme and is part of the Government's national programme of investment into high streets which is being led by Historic England (HE), with a focus on capital works, community engagement and cultural programming. The HSHAZ is a combined effort from Lancaster City Council, Historic England and other partners to improve the condition of the area, as well as understanding and perceptions of it.
- 1.5 The HSHAZ project aim is to deliver heritage-led regeneration to help shape a sustainable future for the area. It launched in April 2020 and ends in March 2024.
- 1.6 The HSHAZ also supports the Spatial Vision for Lancaster District 2031, which aspires to manage Lancaster's historic environment with rigour appropriate to its regional significance, reflecting Lancaster's selection as one of England's Historic Cities.

#### ***The Mill Race Area***

- 1.7 The HSHAZ is about prioritising the Mill Race Area for improvement. The HSHAZ area is wholly within the Lancaster Conservation Area, straddling two of the character areas which make up the Conservation Area. Although immediately abutting the city's core commercial area, there is a perception that this area is somewhat peripheral to the city centre and consequently has been afforded less attention than other parts. The HSHAZ was awarded to this part of the city in recognition of some of the challenges the area faces, and the changes occurring within it. The HSHAZ partially overlaps with the Canal Quarter to the south-east of the area (the southern side of St Leonard's Gate).
- 1.8 The HSHAZ area contains 18 listed buildings and a high number of positive unlisted buildings<sup>1</sup>, most of which would be considered non-designated heritage assets (NDHAs). NDHAs include buildings which are identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated. The Council is currently mapping the district's NDHAs to enable those already assessed as meeting the criteria to be easily identified.

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<sup>1</sup> These are buildings recognised as making a positive contribution to the character of the Conservation Area. They were originally identified in the Lancaster Conservation Area Appraisal as meeting the criteria set out in *Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1* (2<sup>nd</sup> edition, 2019), pp.20-21.

- 1.9 Whilst the mill race itself is hidden from view today, it has had, and continues to have, a major impact on the city. The mill race has dictated the layout of buildings that we see today, and its presence is responsible for the industry which emerged in the area, including the town's cornmill, which we know was powered by the mill race from at least the C16. The route of the mill race can be seen in the form of Damside Street and the NE part of North Road. It is these streets, together with the earlier routes of Lower Church Street and St Leonard's Gate, and those which connect them, which form the focus of the Lancaster HSHAZ.

## 2.0 Proposal Details

- 2.1 Preparation of the CMP began in May 2021.

- 2.2 The purpose of the CMP is to set out what makes the area significant and seeks to guide its future use and management. The aim of the HSHAZ CMP is:

**To manage change appropriately to sustain, enhance and promote the Mill Race Area's built heritage for the benefit of all.**

- 2.2 Part 1 of the CMP explores the historical development of the area (section 2), which is followed by an assessment of significance by street (section 3), and a statement of significance for the whole HSHAZ area (section 4). Four key themes have also been identified and explored in further detail in the final section (section 5): The Mill Race, Sugarhouses, Transatlantic Trade and Nineteenth Century Court and Yard Housing.

- 2.3 Part 2 of the CMP considers how this area should be managed to ensure that its significance is sustained and, where possible, enhanced. It sets out the issues faced by the mill race area and seeks to identify the opportunities to address them. Each issue includes an objective which should be a material consideration in decisions involving the management of the mill race area. The nine issues are as follows:

1. *Effective Planning Policy Background*
2. *Townscape*
3. *Traffic and public realm*
4. *Occupancy and use*
5. *Redevelopment of gap sites*
6. *Understanding and interpretation*
7. *Archaeology*
8. *Exercising statutory planning powers*
9. *Flooding and climate change*

- 2.4 A list of policies for each issue has also been set out in the CMP in order to help realise the opportunities identified. At the end of the document is a Summary Policy Implementation Plan which identifies how these will be delivered and which bodies and other parties will be involved.
- 2.5 A CMP Summary Document has also been produced to provide an overview of the Plan and its key details.
- 2.6 We do appreciate that while we have produced a Summary Document to help make it more accessible, it remains a significant report which may make it less accessible to some. The Council, and we hope others, will be able to use this as an evidence base and point of reference to understand, explore and manage the area better. In terms of making the information further accessible during the remaining lifetime of the HSHAZ, we have and will continue to use this research to inform various aspects of interpretation and engagement including the heritage plaques, digital and paper trail guide, guided walking tours, artwork in the public realm, inspiration for the complementary cultural programme, as well as social media posts capturing elements of the area's history.

### **3.0 Details of Consultation**

#### **First consultation**

- 3.1 Part 1 of the CMP was the subject of a six-week public consultation during July and August 2021. This consultation asked the following questions:
  - *Does this document provide a fair representation of the historical development of the area? Is anything missing or insufficiently captured?*
  - *Do you agree with the assessments of significance?*
  - *What issues and opportunities does this significance create and are there any policies that would support addressing or meeting these?*

- 3.2 A good level of response was received, including some very helpful suggestions which were incorporated within the revised draft Part 1 and, where appropriate, within Part 2.

#### **Second consultation**

- 3.3 The full draft CMP (Parts 1 & 2) together with the Summary document were taken out to public consultation for six weeks from 5 November 2022.
- 3.4 This consultation period included two drop-in events, in accordance with the *Planning (Listed Buildings and Conservation Areas) Act 1990* which states that proposals for the preservation and enhancement of conservation areas "shall be submitted for consideration to a public meeting in the area to which they relate." (Section 71 [1 and 2]).
- 3.5 The first event was held in St John's Church on Saturday 5 November 2023, from 2-4pm during Light Up Lancaster, the second was held on Friday 16 December in the City Museum from 2-5pm.

- 3.6 The consultation asked the following questions:

*Part 1:*

- *Does the draft CMP provide a fair representation of the historical development of the area? Is anything missing or insufficiently captured?*
- *Do you agree that the draft CMP and the Summary Document sufficiently identify what makes this area so significant?*

*Part 2:*

- *Do you agree with the nine key issues identified as affecting the area?*
- *Are there any opportunities, and therefore proposed policies, which have not been identified, which you would like to see addressed?*
- *Do you have any further comments on the content of the draft CMP?*

- 3.7 The level of response was good, and the CMP was well-received with people very interested to find out more about the history of the area.
- 3.8 Comments were received in relation to the management of the area's flood risk. The Lead Local Flood Authority (LLFA) requested that Objective 9 (Flooding and Climate Change) be made more robust so that instead of just encouraging the use of SuDS (sustainable drainage systems) that Objective 9 should align with the Local Plan which says that "all development must incorporate SuDs" (Policy DM34). Objective 9(II) has been updated on the basis of these comments. Another comment received from a flood management specialist suggested that Objective 9 should strive to protect the mill race structure from damage or interference by development, in order to maintain its capacity. Objective 9 has been updated accordingly (see 9(I)).
- 3.9 Very helpful comments were received from Lancashire County Council's Historic Environment Team (Archaeology) both in terms of the management of the area's archaeology, but also in relation to the area's historical development. The document has been revised to incorporate these suggestions.
- 3.10 Historic England is fully supportive of the CMP but requested that given the substantial length of the document that the significance is defined concisely at the start of each part of the CMP. This has now been included with the foreword and consultation details inside the front cover of Parts 1 and 2.
- 3.11 Comments were also submitted on behalf of two developers with an interest in buildings and land in the area. They have commented that we have been overenthusiastic about the levels of significance attributed to individual buildings, if assessing at a *national* level. However, we have assessed at a *local* level and are more generally looking at streets and their contribution to the significance and character of the conservation area, using levels based on those set out in the 2011 Canal Corridor North (Canal Quarter) *Assessment of Heritage Values and Significance* study (which forms part of the evidence base for the Local Plan). This has been more clearly spelled out now within the CMP. Historic England and the Conservation Team are supportive of this approach.

#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> To approve the adoption of the Mill Race Area CMP	<b>Option 2:</b> Not to approve the adoption of the Mill Race Area CMP
Advantages	<p>Its adoption would be in accordance with the <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> which states that LPAs have a duty “from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.” (s.71 [1]).</p> <p>The CMP would form part of the evidence base of the district’s Local Plan. The <i>National Planning Policy Framework (2021)</i> (paragraph 190) states that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats. This strategy should take into account:</p> <ul style="list-style-type: none"> <li>a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;</li> <li>b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;</li> <li>c) the desirability of new development making a positive contribution to local character and distinctiveness; and</li> <li>d) opportunities to draw on the contribution made by the historic environment to the character of a place.</li> </ul> <p>The CMP aligns with each of these requirements.</p> <p>The CMP will help to realise the aim of Policy EN1: Mill Race Heritage Priority Area, within the <i>Strategic Policies and Land Allocations DPD</i> (part of the Local Plan and adopted in July 2020) which is to deliver heritage-led regeneration within the area.</p> <p>The CMP will assist and guide the</p>	None known.

	<p>Development Management Team and Conservation Team in in their work managing development within this area, as well as having a wider application for officers, property owners and the community as a reference tool and evidence base for better understanding the area. Its adoption will give the document more weight as a material consideration in planning decisions.</p> <p>The CMP forms a significant output for the HSHAZ. The improved understanding of the significance of the area and identification of measures to help appropriately manage change should help sustain the financial investment into the programme.</p> <p>The Council would be fulfilling its commitment to adopt a CMP for the Mill Race Area as agreed with Historic England.</p>	
Disadvantages	None known.	<p>The Council would miss an opportunity to fulfil a duty under s.71[1] of the <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> (see above)</p> <p>It would be a lost opportunity to demonstrate that the Council produces positive strategies which align with paragraph 190 of the NPPF and to meet the aim of Policy EN1 of the Local Plan (see above).</p> <p>Without formal adoption, the CMP would not carry as much weight, and could not be relied upon as a material decision in planning decisions.</p>
Risks	None known.	Without an adopted CMP it will be more difficult to ensure that the positive work achieved through the HSHAZ scheme is

		<p>managed appropriately or that heritage-led regeneration continues here beyond the life of the HSHAZ programme. The Council would not fulfil its commitment to adopt a CMP for the Mill Race Area as agreed with Historic England.</p>
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## 5.0 Officer Preferred Option (and comments)

5.1 The preferred option is Option 1. The adoption of the CMP aligns with heritage duties and requirements under the relevant Acts and the NPPF, and it would ensure that the positive steps already taken to deliver heritage-led regeneration to help shape a sustainable future for the area via the HSHAZ will continue beyond the life of the HSHAZ.

## 6.0 Conclusion

6.1 In conclusion, it is the shared opinion of the Chief Officers that the CMP should be adopted for the reasons set out above.

### RELATIONSHIP TO POLICY FRAMEWORK

The CMP contributes to the Council's vision for the Lancaster district to thrive as vibrant regional centre in the north west of England, making the most of our district's many attributes as a great place to live, work and visit. The Corporate Plan sets out the Council's priorities for 2030, and the CMP aligns with three of these, specifically:

- A Sustainable District – encouraging the repair and re-use of existing buildings, which reduces waste and locks in carbon;
- An Inclusive and Prosperous Local Economy – supporting investment and regeneration; and
- Healthy and Happy Communities – supporting access to heritage and culture and quality public spaces.

Government planning guidance relating to the historic environment is set out in the National Planning Policy Framework (NPPF, 2021) and the CMP aligns with this.

At a district level, the Local Plan sets out the Council's broad strategy for heritage conservation within the *Strategic Policies and Land Allocations DPD* and the *Development Management DPD*, both adopted in July 2020. The SPLA DPD includes Policy EN1: Mill Race Heritage Priority Area, with the aim to deliver heritage-led regeneration within the area to help shape a sustainable future for the area. The CMP fully supports this aim.

The DM DPD includes a number of policies relating the historic environment (DM37-42) with which the CMP aligns, as well as DM34 (Surface Water Run-Off and Sustainable Drainage) in particular.

The adopted CMP will form part of the evidence base for the district's Local Plan.



## **CONCLUSION OF IMPACT ASSESSMENT**

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

No formal impact assessments have been undertaken, but the following comments are made in respect of the CMP's purpose:

### **Climate**

The CMP encourages the repair and re-use of existing building stock, as well as making them more thermally efficient and improving their resilience to climate change, and flooding in particular.

### **Equality**

The CMP promotes improved pedestrian accessibility within the city centre.

### **Wellbeing and Social Value**

The CMP promotes understanding and interpretation of the area's heritage which will enhance community cohesion.

### **Community Safety**

The CMP promotes active street frontages in the area which improve community safety.

### **Sustainability**

The purpose of the HSHAZ and therefore the CMP is to encourage heritage-led regeneration to help shape a sustainable future for the area.

## **LEGAL IMPLICATIONS**

The CMP has been prepared in line with the *Planning (Listed Buildings and Conservation Areas) Act 1990* which states that LPAs have a duty "from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas." (s.71 [1]). Its adoption will form part of the Council's planning evidence base to inform effective decision making.

The report makes recommendations for possible future Article 4 Directions and the use of Section 215 powers which could involve support from Legal Services.

## **FINANCIAL IMPLICATIONS**

The cost of the production of the CMP has been funded within existing approved resources as part of the HSHAZ. Works to progress aspects of the CMP will where possible be undertaken within the remaining life of the programme e.g., further design guidance and

interpretation.

Aspects which are beyond the existing capacity and timespan of the HSHAZ project include commitments to future planning policy reviews e.g., the review of the Lancaster Conservation Area Appraisal (2013), which Historic England (in *Conservation Area Appraisal, Designation and Management, Historic Environment Advice Note 1* ( 2<sup>nd</sup> edition, 2019)) advises should be every five years, resources permitting. Given the need for this is already accepted, the CMP does not cause any additional obligation in this regard, but the wealth of information now assembled within it will greatly assist in the review of the relevant character areas within the Lancaster Conservation Area. It is requested as part of the CMP that the current Planning Enforcement Charter is reviewed, and greater weight is given to enhanced enforcement activity in the Mill Race and other areas of regeneration focus and investment. The capacity implications of this are unlikely to have a direct financial implication but may lead to some other enforcement cases being deprioritised by default.

The City Council owns a number of built and land assets in this area. The greater knowledge and understanding derived through the CMP seeks to raise the standard of future development unilaterally. This may have direct implications for the Council's asset management. However, the status of the area as a conservation area and the identification of Positive Buildings is already well established so this is not expected to be problematic.

#### **OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

The City Council owns a number of built and land assets in this area. The greater knowledge and understanding derived through the CMP seeks to raise the standard of future development. This may have direct implications for the Council's asset management. However, the status of the area as a conservation area and the identification of Positive Buildings is already well established.

**Open Spaces:**

See above.

#### **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments to add to those already outlined in the financial implications above.

#### **MONITORING OFFICER'S COMMENTS**

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

#### **BACKGROUND PAPERS**

None

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