

Bolsover District Council

Meeting of the Planning Committee on 21st December 2022

Report of the Planning Manager (Development Control)

Proposed Conservation Area for Oxcroft Settlement

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

To seek committee approval to undertake public consultation on a proposed Conservation Area for Oxcroft Settlement.

REPORT DETAILS

1. Background

1.1 The Oxcroft Settlers Association submitted a proposal for a designated conservation area for Oxcroft Settlement to the Council. An appraisal of the area/proposal was subsequently undertaken by the Conservation Manager. This report and accompanying Draft Conservation Area Appraisal sets out the case for the designation and for undertaking the next stage of the process, a public consultation.

2. Details of Proposal or Information

Legal and Policy Background

2.1.1 Bolsover District Council has a duty under section 69(2) of the Planning (Listed Buildings and Conservation Area) Act 1990 to review its designated Conservation Areas from time to time and assess the suitability of further areas for designation.

2.1.2 The National Planning Policy Framework (2021), Conserving and Enhancing the Historic Environment (section 16), advises that heritage assets should be conserved in a manner appropriate to their *significance* (paragraph 189). The

guidance goes on to state that local planning authorities should ensure that a conservation area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Conservation Area Appraisals

- 2.1.3 A Conservation Area Appraisal is a statement of significance that provides the supporting justification for a Conservation Area designation. It is a statement of what defines the character and appearance of a Conservation Area, identifying those elements in particular which are significant.
- 2.1.4 An Appraisal gives a Conservation Area designation greater weight in appeals. It informs the Local Plan, providing the necessary detail to support Conservation policies. In providing an understanding of the particular *significance* of an area, an appraisal supports the Council in its obligation to 'preserve or enhance' when making decisions on development proposals.

Proposed Conservation Area Oxcroft

- 2.1.5 There are 27 Conservation Areas in Bolsover District, all of which have formally adopted appraisals. This follows a programme of new appraisals that was undertaken along with updates to existing published appraisals between 2017 and 2021.
- 2.1.6 A proposal for a new designated area for Oxcroft Settlement was put forward by the Oxcroft Settlers Association in 2017. There followed a commitment by the Council that the proposal for Oxcroft would be appraised once all existing designations had an adopted appraisal.
- 2.1.7 This has been undertaken and a Draft Conservation Area Appraisal has been prepared and is attached to this report as Appendix 1.
- 2.1.8 The proposed area is a large area. It includes the original 18th and 19th century farmsteads, the Oxcroft Settlers' cottages from the 1930's and 40's and the areas of land that were the Settlement allotments. Although much of the fabric of the Settlement has changed over the years, Oxcroft has historic significance as a national heritage asset. It therefore has the level of significance to be considered a designated heritage asset.

Implications of Designation

- 2.1.9 For those properties within the proposed conservation area: some permitted development rights would be restricted, for example planning permission would be required for roof extensions to single dwelling houses and the installation of satellite dishes on front elevations. Planning permission would be required for significant demolition works; some advertisements would require advertisement consent; and works to trees would require 6 weeks prior written notice to be given to the Council.
- 2.1.10 Under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the council would have a duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of the proposed designated area.

- 2.1.11 Designation of the proposed conservation area would enable the council to exercise its planning powers in relation to Oxcroft in order to preserve and enhance its special architectural and historic interest. Any planning application within the area would be assessed against the planning policies relating to Conservation Areas in the Bolsover District Local Plan (2020).

Consultation

- 2.1.12 There is no obligation to carry out a public consultation prior to designation. However, it is highly desirable that local consultation should take place as the greater the public support the more likely it is that policies will be implemented voluntarily. In the case of existing conservation area designations and recent appraisals, the Council has consulted on proposed extensions to the designated areas. The consultation has extended to Local Members, the Parish Council(s) and those property owners affected by the proposed designation.
- 2.1.13 It is proposed therefore to notify all property owners and publicise the appraisal document through the Parish Council as well as the Oxcroft Settlers Association. The Parish Council will be advised to promote the document by way of a notification on the Parish Notice board/the Parish Council web page, directing residents to the Bolsover District Council website where electronic copies of the document(s) are posted. A hard copy will be sent to the Parish Council and the Settlers Association for them to make available as they think appropriate and a further hard copy will be available for reference at The Arc Reception desk.

3. Reasons for Recommendation

- 3.1 Under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities are required from time to time to 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. Furthermore Local Planning Authorities are also required to determine whether any further areas should be designated.
- 3.2 It is considered that the proposed conservation area as set out in the attached appraisal is of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance in accordance with s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.3 The ultimate designation of the Conservation Area will enable the Council to exercise its planning powers in relation to the proposed Oxcroft Conservation Area in order to preserve and enhance its special architectural and historic interest.

4 Alternative Options and Reasons for Rejection

- 4.1 The only alternative is not to consider the designation of the proposed conservation area for Oxcroft Settlement which would be in contravention of the legal obligation as set out in the Planning (Listed Buildings and Conservation

Areas) Act 1990 and the Government Guidance set out in the National Planning Policy Framework (2021).

RECOMMENDATION(S)

1. That Committee approves the Draft Conservation Area Appraisal for Oxcroft Settlement (Appendix 1) for public consultation.

<u>IMPLICATIONS:</u>	
<u>Finance and Risk:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Section 151 Officer	
<u>Legal (including Data Protection):</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Solicitor to the Council	
<u>Staffing:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Head of Paid Service	

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

District Wards Significantly Affected	Clowne West, Bolsover North & Shuttlewood and Bolsover East.
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details: Consultation has taken place with the Portfolio Holder for Corporate Governance and Deputy Leader.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
Environment: Benefiting Communities. - No. 4 of the Planning Service Plan – conduct a district wide review of the conservation of designated and non-designated heritage assets.

DOCUMENT INFORMATION	
Appendix No	Title
Appendix 1	Appraisal Document: Proposed Conservation Area Oxcroft Settlement
Appendix 2	Boundary Map: Proposed Conservation Area Oxcroft Settlement

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</i>
None.