

Bolsover District Council

Meeting of the Planning Committee on 7th June 2023

Report of the Interim Head of Development Management

Oxcroft Settlement Conservation Area

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

1. To inform the Committee of the outcome of the public participation exercise on the proposed designation of the Oxcroft Settlement Conservation Area.
2. To seek Committee authority for the designation of the Conservation Area and adoption of the conservation area appraisal; and the authority to make any minor amendments to these documents be delegated to the Interim Head of Development Management and Heritage Conservation Manager.

REPORT DETAILS

1.0 Background

- 1.1 A draft Conservation Area Appraisal (CAA) was approved by Committee on 21st December 2022 as a basis for a consultation exercise on the potential designation of a Conservation Area for the Oxcroft Settlement.
- 1.2 A consultation exercise for the proposed Conservation Area ran for a 6 week period between the 27th January 2023 and 10th March 2023.
- 1.3 During this exercise, all properties affected by the proposal were consulted to seek their views on inclusion within the proposed Conservation Area (see table below).

List of properties consulted:

32 Oxcroft Estate	Oxcroft Lane
33 Oxcroft Estate	Oxcroft Lane
34 Oxcroft Estate	Oxcroft Lane
35 Oxcroft Estate	Oxcroft Lane
37 Oxcroft Estate	Oxcroft Lane
38 Oxcroft Estate	Oxcroft Lane
38A Oxcroft Estate	Oxcroft Lane
39 Oxcroft Estate	Oxcroft Lane
40 Oxcroft Estate	Oxcroft Lane
40A Oxcroft Estate	Oxcroft Lane
Coach House	Oxcroft Lane
The Manor	Oxcroft Lane
The Stables	Oxcroft Lane
Ashleigh	Oxcroft Lane
Woodland View	Oxcroft Lane
1 Limestone Cottages	Oxcroft Lane
2 Limestone Cottages	Oxcroft Lane
Limestone Farm	Oxcroft Lane
The Bungalow	Woodside Farm
26 Oxcroft Estate	Oxcroft Lane
25 Oxcroft Estate	Oxcroft Lane
Damsbrook House	Oxcroft Lane
24 Oxcroft Estate	Oxcroft Lane
23 Oxcroft Estate	Oxcroft Lane
Damsbrook Farm	Oxcroft Estate
The Rick	Oxcroft Lane
The Byre	Oxcroft Lane
Damsbrook Farm Cottage	Oxcroft Estate
Stone Croft	Oxcroft Estate
1 Oxcroft Estate	Mansfield Road
2 Oxcroft Estate	Mansfield Road
3 Oxcroft Estate	Mansfield Road
4 Oxcroft Estate	Mansfield Road
Thomond Place	Oxcroft Estate
5 Oxcroft Estate	Mansfield Road
6 Oxcroft Estate	Mansfield Road
7 Oxcroft Estate	Mansfield Road
8 Oxcroft Estate	Mansfield Road
9 Oxcroft Estate	Mansfield Road
10 Oxcroft Estate	Mansfield Road
11 Oxcroft Estate	Mansfield Road
12 Oxcroft Estate	Mansfield Road
13 Oxcroft Estate	Mansfield Road

14 Oxcroft Estate	Mansfield Road
Croft Cottage	Mansfield Road
Croft House	Mansfield Road
31 Oxcroft Estate	Oxcroft Lane
30 Oxcroft Estate	Oxcroft Lane
Annexe 30 Oxcroft Estate	Oxcroft Lane
15 Oxcroft Estate	Oxcroft Lane
16 Oxcroft Estate	Oxcroft Lane
36 Oxcroft estate	Oxcroft Lane
29 Oxcroft Estate	Oxcroft Lane
17 Oxcroft Estate	Oxcroft Lane
18 Oxcroft Estate	Oxcroft Lane
19 Oxcroft Estate	Oxcroft Lane
The Highfields	20 Oxcroft Estate
Annexe 28 Oxcroft Estate	Oxcroft Lane
28 Oxcroft Estate	Oxcroft Lane
27 Oxcroft Estate	Oxcroft Lane
Amber Cottage	21 Oxcroft Estate
22 Oxcroft Estate	Oxcroft Lane
Willcroft	Oxcroft Lane

1.4 Local members, the Clerks to both Bolsover Town Council and Clowne Parish Council and Derbyshire County Council were also consulted on the proposal.

2.0 Outcome of the consultation exercise

2.1 Seven responses were received during the consultation period and a summary of the comments made and main issues raised by the respondents, together with the recommended response to the representations, are attached as Appendix A to this report.

2.2 Three of the respondents objected to the inclusion of part of the area in the proposed Conservation Area and raised some concerns about the additional controls imposed on property owners. Four the responses were supportive of the designation and one of these recommended including an extra area of land.

3.0 Summary of main issues raised

3.1 Full details of the representations received during the consultation period are set out in Appendix 1, but these have been summarised below:

3.1.1 ***Objection to the inclusion of Damsbrook Farm and Farm Cottage in the Conservation Area. The farm cottage pre-dates the settlement and the Farm was built after the Settlement and were not part of the historic architecture of the planned settlement. The Conservation Area should be contained to the settlement properties only.***

- **Response** – Damsbrook farm complex is a traditional stone farmstead dating from the early 19th Century. A new farmhouse was built in 1952 within the curtilage of the original farm. Farm cottage is a traditional stone cottage forming part of the original farm complex. The proposed

conservation area boundary has been drawn to enclose the estate and the wider historic landscape within which it sits and this includes 5 traditional 19th Century farmsteads. Whilst the farmsteads pre-date the settlement they provide a historical context to the development of farming practises in the area. There is a precedent in the District for the designation of historic farmsteads as conservation areas in recognition of their architectural and historic significance - the Elmton with Creswell Farmstead Conservation Area comprises a collection of eight farmsteads dating from the late 18th and 19th centuries that relate geographically to the historic settlements of Elmton and Creswell.

- **Recommendation** – no change to the boundary.

3.1.2 ***Some of the controls in Conservation Areas seem oppressive.***

- **Response** - Whilst there are extra controls for residential properties within conservation areas, they are not considered to be oppressive and property owners will still benefit from a number of permitted development rights. There are no plans to introduce an Article 4 Direction which would introduce further stringent controls by removing certain householder permitted development rights. The *Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1* states that “owners of residential properties generally consider these controls to be beneficial because they also sustain, and/or enhance, the value of property within it. This has been confirmed by research by the London School of Economics; see G Ahlfeldt, N Holman and N Wendland, *An Assessment of the effects of Conservation Areas on Value, London School of Economics, 2012.*”

- **Recommendation** – no further action.

3.1.3 ***Concerned that conservation area designation could disable small farms currently operating in the area. Points out that there are already countryside policies / controls in place so why do we need more control.***

- **Response** – Existing agricultural permitted development rights under Schedule 2 part 6 of the Town and Country Planning General Permitted Development Order 2015 (as amended) are not affected by conservation area designation. The countryside policies in the Bolsover District Local Plan are applicable regardless of designation and the additional policy consideration will be Policy SC16: Development Within or Impacting upon Conservation Areas and the requirements set out in the NPPF.

- **Recommendation** – no further action.

3.1.4 ***Questions how any grant funding would be spent if BDC were successful in securing funding through Partnership Schemes***

- **Response** – There are no plans to apply for funding through partnership schemes at present as this conservation area would not meet the criteria for Historic England Partnership Grants. However if funding opportunities

were to become available in the future residents will be consulted on any proposals.

- **Recommendation** – no further action.

3.1.5 ***Raises concerns that some of the photographs in the public document are invasive***

- **Response** – The photographs in the document are all taken from the public highway. If there are any photographs of particular concern we can consider replacing them before the document is formally published.
- **Recommendation** – the document will be amended if required.

3.1.6 ***Raises concerns about the impact of through traffic using Oxcroft Lane as a cut through from the recent developments at Hawkebrook Close, Nether View and Sutherland Farm View on Oxcroft Lane, Bolsover (with further development proposed). Recommends that Oxcroft Estate/Oxcroft Lane should become access only to all motor vehicles and proposes a number of road signs at relevant locations.***

- **Response** – The concerns raised about highway safety and recommendations are outside of the remit of the District Council and are the responsibility of Derbyshire County Council Highways. The comments have been passed to Derbyshire Council Highways for consideration.
- **Recommendation** – forward comments / recommendations to DCC Highways.

3.1.7 ***Recommends that the boundary of Conservation Area be extended to include land on both sides of Oxcroft Lane***

- **Response** – The recommendations and reasons for extending the boundary of the proposed Conservation Area are noted but unfortunately the legislation governing the designation of Conservation Areas relates primarily to the built environment (areas of architectural or historic character) and is not designed to protect large areas of open landscape without built heritage. However the extended area shown on the plan is in open countryside and there are policies in the Local Plan to protect such areas. In addition, this area does provide a wider setting to the conservation area and there are policies in the Local Plan to ensure that consideration is given to the impact of any development on heritage assets and their setting.
- **Recommendation** – No change to the boundary of the conservation area.

3.2 Following an assessment of the consultations received it is recommended that the boundary of the proposed Conservation Area remains unchanged. If Committee are minded to approve the designation and the adoption of the Conservation Area Appraisal the necessary statutory adverts will be placed in the London Gazette and local press and all residents affected the designation will be formally notified.

4.0 Reasons for Recommendation

- 4.1 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.
- 4.2 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.
- 4.3 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.

5.0 Alternative Options and Reasons for Rejection

- 5.1 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 designation of the Conservation Area and adoption of the Conservation Appraisal;
2. That Committee grant the authority to make any minor amendments to these documents be delegated to the Interim Head of Development Management and Heritage Conservation Manager.

IMPLICATIONS:

Finance and Risk:

Yes

No

Details:

On behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

On behalf of the Solicitor to the Council

Staffing:

Yes

No

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>	<p>No</p>
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	<p>No</p>

<p>District Wards Significantly Affected</p>	<p>Clowne West, Bolsover North & Shuttlewood and Bolsover East.</p>
<p>Consultation:</p> <p>Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>The intent to consult on the designation of a Conservation Area was approved by Planning Committee</p> <p>Details: Planning Committee Meeting 21/12/2022</p>

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>
<p>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.</p>

DOCUMENT INFORMATION	
Appendix No	Title
Appendix 1	Summary of consultation responses
Appendix 2	Conservation Area Appraisal

Background Papers

(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)

None.