

**Bolsover District Council**

**Executive**

**22<sup>nd</sup> February 2021**

<p><b>Local Development Order to Facilitate and Enable Regeneration of Shirebrook Market Place</b></p>
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**Report of the Portfolio Holder – Corporate Governance**

This report is public

**Purpose of the Report**

To seek approval for a Local Development Order (LDO) to grant planning permission within Shirebrook's Market Place for works to regenerate the Market Place including:

- Hard and soft landscaping works, including planting, planters, re-surfacing, water features
- Street furniture, including seating, bus stops, bins, cycle racks, information boards, bollards, street safety measures
- Boundary treatments and means of enclosure
- Small buildings for community uses including toilet blocks, changing rooms, information points
- Public Art
- Play equipment

**1. Report Details**

- 1.1 There have been various regeneration schemes drawn up for Shirebrook's town centre and various project proposals put forward over the last five years.
- 1.2 Very few schemes have been delivered in recent years with the exception of the shop front repairs scheme and the shutter art scheme.
- 1.3 One of the consistent obstacles to delivery of regeneration schemes is the absence of sufficient funding and an absence of the necessary 'shovel ready' planning consents for the various proposals that are a pre-requisite of most funding bids.
- 1.4 Therefore, the purpose of this report is to put into place a Local Development Order to redevelop Shirebrook Market Place to accelerate delivery of regeneration schemes should funding arise.
- 1.6 The Market Square requires regeneration and improvement and there are many ways in which this can be done. A concept plan is set out below but this plan is purely indicative of one of the ways in which the Market Place could be improved:



- 1.8 Improvements to the market square would attract more visitors and promote the long term vitality and viability of the town's retail offer. Therefore, these proposals warrant progressing but require funding. These types of projects could be funded by the Council but may also present opportunities for partnership working and/or match funding from private interests.
- 1.9 The LDO would assist the Council access external funding. In addition, the County Council are considering a D2 county wide bid for town centre funding and having an LDO in place will help ensure Shirebrook is also prioritised in this forthcoming collective funding bid.
- 1.10 The LDO would streamline the planning process by removing the need to make a full planning application to the Council for regeneration projects in the Market Place covered by the Local Development Order.
- 1.11 Instead the LDO would allow applicants to seek prior approval of their proposed works, knowing that the proposal is acceptable in principle subject to appropriate detailing
- 1.12 Public consultation has to be carried out before an LDO is adopted. The LDO has been publicised by way of a press advert, site notices, and by notifying the premises adjacent to the Market Place. A period of 28 days was allowed for comments to be made.

## 2 Conclusions and Reasons for Recommendation

- 2.1 In summary, the LDO would support the existing investment being made in the Town Centre by the shop front repairs scheme by removing red tape: granting planning

permission for the regeneration works listed, avoiding the need for individuals to gain planning permission, with the time and expense that is involved with that process.

- 2.2 The LDO would be an effective tool to make the planning process easier, thereby encouraging participation in the regeneration of the Market Place.
- 2.3 Local Authorities have permitted development rights to carry out the types of development covered by the LDO on their own land. The LDO does not remove these permitted development rights but expands these rights and gives similar rights to developers and individuals to implement Market Place regeneration schemes
- 2.4 In conclusion, the LDO will create an 'in principle' permission which will help to facilitate and enable the regeneration of Shirebrook Market Place.

### **3 Consultation and Equality Impact**

- 3.1 The proposed LDO has been subject to a formal consultation for a 28 day period. One letter has been received which has supports the proposals for regeneration of the Market Place with the exception of any water features. The letter expresses concern that water features can become blocked by leaves and then there is a cost involved in clearing them, they cannot be used in times of drought and lack of water may become an environmental issue in the future and there is a possibility for children to damage them.
- 3.2 The LDO does not grant planning permission for a specific regeneration scheme at this stage. It removes the need for an application for full planning permission in the future but applicants will still need to seek prior approval of their proposed works, knowing that the proposal is acceptable in principle subject to appropriate detailing. Future schemes may or may not include water features but if they do the details of that and all other features of the scheme would be considered at that time.
- 3.3 The proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics because the proposals are designed to improve the environmental quality of the Town Centre for everybody.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 A 'do nothing' option was rejected because there is an identified need to promote and encourage the regeneration of Shirebrook's Market Place and consensus that we need to move from 'master planning' to delivery.
- 4.2 A 'do more' option was rejected because of the cost and delay incurred attempting to agree detailed designs and delivery options with a range of different stakeholders.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

- 5.1.1 If the Council were to accept applications of prior approval under the LDO without an application fee then there would be some loss of income. If the local council carried

out the regeneration works they would have permitted development rights and therefore would not pay a planning fee anyway so there would be no loss of income.

- 5.1.2 Equally, the saving made by applicants on the application fee and associated costs of making a formal application would help to maximise the amount of funding available to facilitate the regeneration works.
- 5.1.3 There are no significant financial risks attached to the proposed LDO and the LDO is intended to improve the prospects of the Council attracting external funding for the various regeneration schemes, which will in their own right benefit the local economy.

## **5.2 Legal Implications including Data Protection**

- 5.2.1 The LDO process is regulated through the planning acts and needs to be subject to public consultation prior to being put into place. Once it is in place, the LDO would grant planning permission for prescribed regeneration works subject to conditions.
- 5.2.2 The proposed LDO would not otherwise grant planning permission for EIA development because the site is not in a sensitive area (as defined by the EIA regulations) and the types of development that would be granted planning permission by the LDO would be highly unlikely to have any significant effects on the environmental quality of the local area (from an EIA perspective).
- 5.2.4 The LDO process does not give rise to any specific data protection issues other than the personal details of any consultees responding to consultation on the LDO which would be dealt with in accordance with the Planning Service's existing privacy statement.

## **5.3 Human Resources Implications**

- 5.3.1 These proposals do not give rise to any significant increase in existing workloads.

## **6 Recommendations**

- 6.1 The Local Development Order is put in place to facilitate and enable the regeneration of Shirebrook Market Place.
- 6.2 The reason for the Local Development Order is to support the significant investment being made in improving the environmental quality of the Market Place in Shirebrook and to accelerate delivery of regeneration schemes should funding arise by (i) streamlining the planning process for the regeneration works (ii) ensuring a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the Market Place and improve the local economy.
- 6.3 The Local Development Order will grant planning permission for improvements and additions to the Market Place within the area shown red on the plan below, including:
- Hard and soft landscaping works, including planting, planters, re-surfacing, water features,
  - Street furniture, including seating, bus stops, bins, cycle racks, information boards, bollards, street safety measures

- Small buildings for community uses including toilet blocks, changing rooms, information points
- Public Art
- Play equipment

subject to the following conditions:

- Prior approval for the proposed works must be obtained from the Local Planning Authority prior to the commencement of any development

6.4 The Order shall take effect following approval by the Executive.



6.5 That delegated authority be granted to the Planning Manager (Development Control) to grant and/or grant delegated powers to other officers in the Planning Service to grant prior approval for subsequent applications made under this LDO.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  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><i>BDC:</i> Revenue - £75,000 <input type="checkbox"/>  Capital - £150,000 <input type="checkbox"/></p> <p><i>NEDDC:</i> Revenue - £100,000 <input type="checkbox"/>  Capital - £250,000 <input type="checkbox"/></p>	<p>No</p>
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<input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	Shirebrook
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (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)	
N/A	
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