

**PARISH**

Shirebrook Parish

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**APPLICATION**

Erection of a new pavilion building to provide a flexible community space that can be used for a variety of uses, including co-working, community events, cafe, and tourist information centre. The building will also provide increased provision of public WCs, market stall storage, market supervisor office, and a Wi-Fi hub. The community hub will be run / managed by Shirebrook Town Council

**LOCATION**

Shirebrook Marketplace Shirebrook

**APPLICANT**

Shirebrook Town Council C/o Agent

**APPLICATION NO.**

24/00356/FUL

**FILE NO.** PP-13302172

**CASE OFFICER**

Mrs Karen Wake

**DATE RECEIVED**

5th August 2024

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**SUMMARY**

The application has been referred to Planning Committee by the Development Management and Land Charges Manager due to the decision being of strategic importance to the District and in the interests of openness and transparency, as the District Council has been involved in the inception of the scheme and could be involved in its delivery.

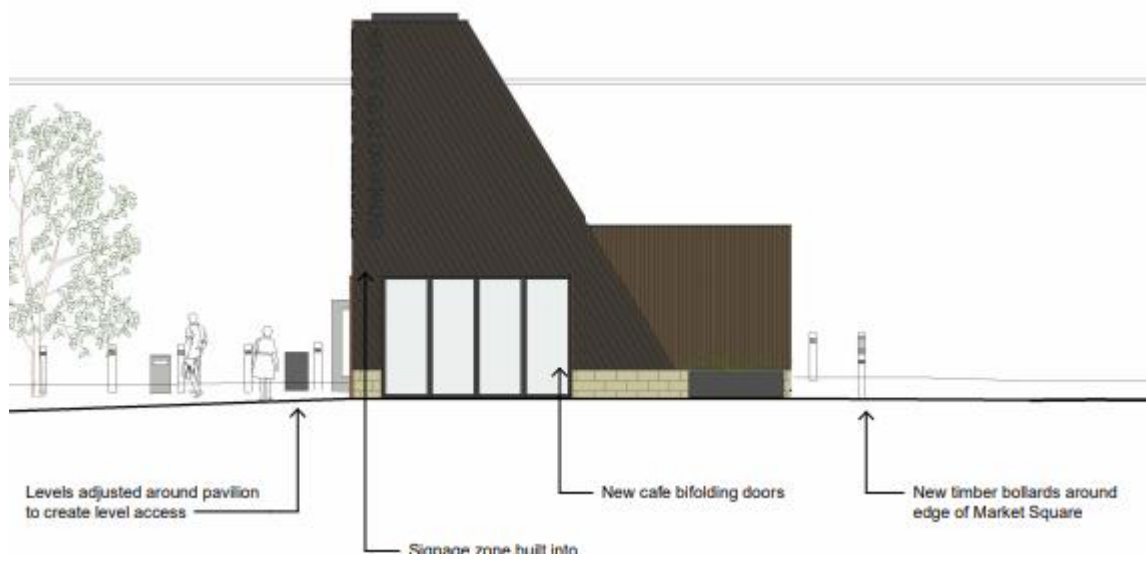
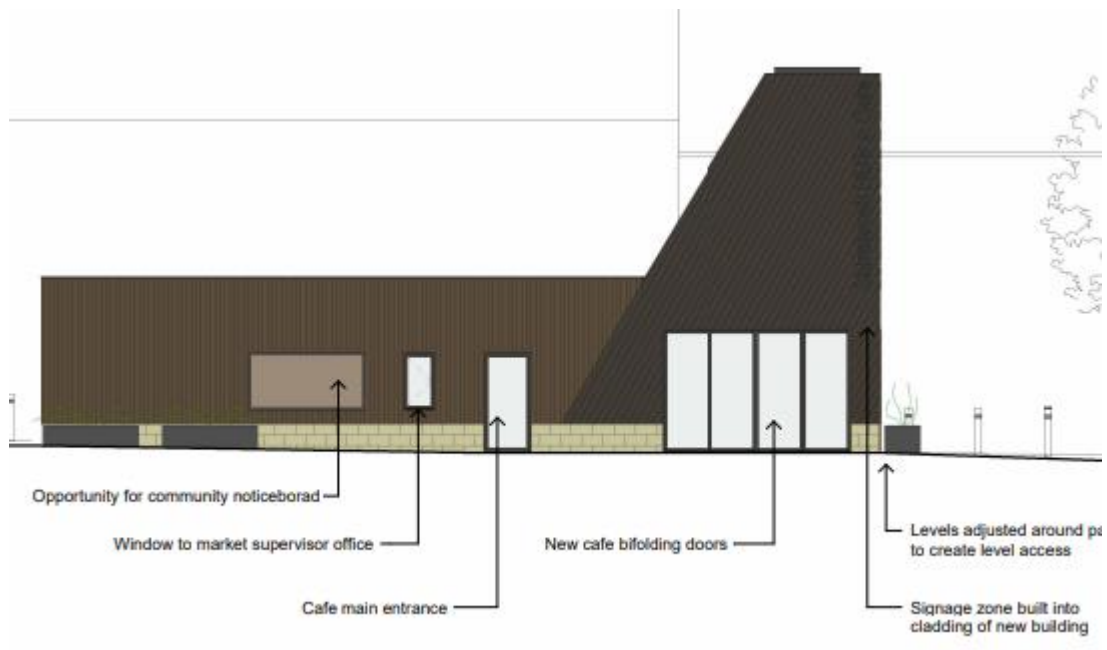
The application is for a building to provide a flexible community space, public toilets, and a storage area for market stalls.

The application is recommended for approval, subject to conditions relating to materials.

**Site Location Plan**









## AMENDMENTS

Amendments have been made to the materials to be used on the building, and the surfacing around it as well as the addition of planters around the building, following discussions with the Senior Urban Design Officer.

## EIA SCREENING OPINION

The proposals that are the subject of this application are not EIA development.

## HISTORY

20/00313/OTHER	Granted conditionally	Extension to Local Development Order to support the Shop Front Repairs Grants Scheme
20/00494/OTHER	Granted conditionally	Local Development Order to facilitate and enable regeneration of Shirebrook Marketplace
21/00620/ADV	Granted conditionally	Advertisement for a digital screen
22/00536/LDOCC	Granted	Prior Approval for memorial statue and associated groundworks related to Local Development Order (20/00494/OTHER) to facilitate and enable regeneration of Shirebrook Marketplace
08/00127/FUL	Granted conditionally	Installation of a CCTV surveillance scheme
19/00451/OTHER	Granted conditionally	Local Development Order for shop front repairs

## CONSULTATIONS

Town Council

No objections

### Derbyshire County Council Highways

No objections subject to a condition requiring parking spaces shown on the approved plan to be provided before the building is brought into use and a note advising the applicant of the need to obtain a section 184 license to create a dropped crossing to any parking area.

### Senior Engineer

The sewer records show a public sewer within the curtilage of the site. The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

### Senior Urban Design Officer

With regard to the amended plans, the incorporation of a stone plinth to the base of building helps to ground the building within the space and works well with the addition of a square of apron stone paving around the entrance. The additional planters help improve the setting of the of the building when viewed across the square. Agrees with option 8 in the materials study and agree that the subtle tonal contrast and the gradation of the wooden panels help to give the building more articulation. Need to ensure that the bifold doors as shown in Page 40 the Design and Access Statement are shown on the plans. The bronze (tree bark) decorative perforated pattern will be a much-improved addition to this elevation adding interest and disguising the security shutter behind it.

### **PUBLICITY**

Site notice and 36 neighbours notified.

5 letters of objection received which raise the following issues:

1. The building is unnecessary, there are already several cafes and meeting rooms in Shirebrook, the tourist information office could be in the town council building and the existing toilet block could be upgraded.
2. The council do not have the required funds to complete projects that are already underway, e.g. the memorial garden and the crematorium, so this new eyesore will just be another strain on the budget.
3. The marketplace just needs sprucing up and the memorial garden should be on the town park or in the crematorium grounds.
4. The proposal will alienate many long standing market traders.
5. The new building will be out of place and decimate the formerly outstanding outdoor market
6. The building has no clear benefit for the people of Shirebrook.
7. There is no requirement for a tourist information centre. Why would anyone want to come into Shirebrook in its current state.
8. This is a total waste of money and is not wanted or required by the residents. It will also look totally out of place and the building is not in keeping with the current square.

The money would be best spent in tidying up and making improvements to the current infrastructure.

9. There hasn't been a proper consultation on the proposed build.
10. An additional café will take trade from existing businesses.
11. If the toilet facilities are they only going to be open on market days its pointless.
12. Building it in the corner over near the Co-op is going to be an eyesore. This plan should have been thought about before the miner's monument, because of this its thrown the symmetry out for a pleasing to the eye layout.
13. Proper consultation is required of people working round the market and residents on market days etc. Asking the residents on the BDC website isn't covering a large enough group
14. This is a waste of council taxpayers money and an ugly and unnecessary project.
15. The area for market stalls has been reduced by the monument and ongoing structure of a memorial garden and there have already been complaints about this so if this makes the market square smaller there won't be need for a store for the market stalls.
16. There is no need for a supervisor's office, they can use the sizeable Town Council Office and even watch from the office window,
17. The building will be a target for vandalism which is rife around the market area already and it is a no go area for the public to even walk across after 2- 3pm
18. Concerns about traffic safety around the market square, Is it a pedestrian zone or not?

2 letters of support received which make the following points:

1. The market is the focal point of the Town and the heart of the community and is long overdue updating and investment. At the moment a lot of people ignore the pedestrian zone signs and the market square is used as an unofficial car park. The current toilets are poor unreliable and in desperate need of replacement. The Cafe/Community hub with a Wifi hub will be a great public facility.
2. The provision of market stall storage demonstrates a clear commitment by the council to continue Shirebrook's long history as a Market Town
3. The residents group voted to support the planning application because the square is looking sad and tired and long overdue a refresh. The current toilets are very poor, unreliable and not very nice to use and desperately need replacing.

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 Sustainable Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- WC5 Retail, Town centre and Local centre Development
- ITCR11 Parking provision

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 107: Promoting healthy and safe communities.
- Paragraphs 108 - 117: Promoting sustainable transport.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.

### Supplementary Planning Documents

#### Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

#### Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

## **ASSESSMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover (2020) and the supplementary planning documents referred to above. The policies in the National Planning Policy Framework (2023) as set out in the Policy section of this report are also material considerations in respect of this application.

Having regard to the above and the relevant provisions of the development plan and national policy, it is considered that the key issues in the determination of this application are:

- the principle of the development
- the impact on the vitality and viability of the town centre
- the design and visual impact of the proposed development
- Residential amenity
- whether the development would be provided with a safe and suitable access and the

- impact of the development on the local road network
- Biodiversity

These issues are addressed in turn below.

### Principle

The site is within Shirebrook marketplace which is the heart of the town centre. The principle of a community building being acceptable within the marketplace as part of the regeneration works proposed is established by the Local Development Order which grants planning permission for a number of developments, one of which is small buildings for community uses including toilet blocks, changing rooms, information points etc subject the prior approval of the details be the council. The proposed building is considered larger than what was granted planning permission by the Local Development Order, but the principle of such a building/use is considered to be established and is considered to be an appropriate town centre use.

### Impact on the vitality and viability of the town centre

Part of the building is to be used to replace the existing town centre toilets and to provide a storage area for market stalls which currently have to be stored away from the marketplace. The improved storage facility and public toilets are considered to be enhancement to the existing marketplace and are considered to enhance the vitality and viability of the town centre and its popular market.

The proposed community hub is considered to provide additional and enhanced facilities for local residents and visitors to the town centre and the additional opening hours proposed are considered to help encourage visitors and shoppers to come to the town centre on non-market days and to stay in the town centre after the market closes which will potentially improve the footfall and customer base for existing town centre businesses. The proposal is therefore considered to enhance the vitality and viability of the town centre in accordance with Policy WC5 of the adopted Local Plan.

### Design and visual impact of the proposed development

The building has been designed by an established and well respected architect firm. The design is intended to create a simple, yet striking addition to the marketplace. The proposed building is designed with a tall corner feature creating a 'lofty' cafe space, whilst also creating a memory of the distinctive 'pithead' form. The use of charred timber is envisaged to create a modern aesthetic with a clear reference to the production of coal and the industry which has played such a significant role in the evolution of Shirebrook Town. A green roof is proposed for the long, lower part of the building, creating opportunities for wildlife at the heart of the square, and contributing to the biodiversity net gain requirements.

The pavilion will provide public WC facilities with separate female and male WCs, and a disabled WC with baby changing, accessed from the north and west elevations. These WCs will replace the existing minimal facilities within the square. A large store will be located and accessed from the west for use as a market stall storage space, with room for the 3 existing trolleys and stalls currently in use on market days. A small office space for the market supervisor will be located adjacent to this store, with a view over the public square to the south. The rest of the building will be used as a community hub, providing a flexible space for co-working initiatives, community events, a tourist information centre and cafe. The cafe will be run by a local business and will help keep the community hub a viable venture for the



Town Council.

The majority of the new surfacing within the marketplace will be a resin bound gravel laid on tarmac. This is a cost effective yet transformational surfacing that will not require the groundwork that traditional paving requires. A subtle differentiation in two colours of gravel will create the design as shown on the plans. The colours will be warm light greys - the swatches adjacent are product samples from Resin Bonded Aggregates. The resin surface is to be edged with aluminium. The paving within the memorial garden will be more distinctive to complement the memorial statue. These will be varying colours of concrete setts - Marshalls granite range and concrete 'Conservation X' range. Dark grey granite setts will edge the memorial garden and the seating areas. Yorkstone paving with a granite edging will be provided, reflecting the paved apron to the memorial. The paving will 'wrap around' the southeastern corner of the Pavilion building, allowing cafe seating and activities to out onto the square

The new zones proposed for the marketplace will be complemented by the planting of trees. The existing trees on site have been assessed by Bolsover District Council's Tree Officer to fully assess the potential of their retention. A number of trees are being retained as part of the works to the north and south edges of the wider marketplace. In addition, planters are proposed to 'soften' the frontage to the Pavilion and provide a transition zone between the building and the main square.

This Design and Access Statement illustrates the design decisions made in relation to the public realm improvements and the new Pavilion building proposed in the marketplace, following the Local Development Order currently in place. The project brief has been developed and refined based upon the findings of a comprehensive baseline study and stakeholder engagement. This considered not only the current physical and operational condition of the study area, but also considered the opportunities and constraints presented by the wider town centre context. In addition, the development proposals have been refined still further in terms of materials and finishes, in order to create a striking, yet harmonious solution, forming an active and attractive backdrop to the marketplace. The whole scheme has been well considered and, subject to conditions requiring compliance with the amended plans and submission of materials for approval, the building is considered to be an appropriate response to the site and its context and is considered to enhance the appearance of the marketplace in accordance with Policy SC3 of the Local Plan for Bolsover District.

#### Residential amenity

There are a number of flats around the marketplace. The proposal is not considered to result in any additional noise or disturbance or loss of privacy for residents of adjacent dwellings over and above the existing situation or what would reasonably be expected in a town centre location. The proposal is therefore not considered harmful to the amenity of adjacent residents and is considered to meet the requirements of policies SC3 and SC11 of the adopted Local Plan in this respect.

#### Access/Highways

The proposed community building is within the existing marketplace at the heart of the town centre. The building does not have its own parking proposed but the marketplace is adjacent to existing town centre car parks and the town centre is well served by buses and within

walking distance of the train station. The proposed community hub is therefore sustainably located where it can be reached by residents and visitors by a number of modes of transport.

The storage element of the building is for the market stalls which are to be used in the market area adjacent to the building. The stalls are currently stored outside of the marketplace and have to be brought into and out from the marketplace by vehicle every market day. The storage of the stalls on site is therefore considered to result in less vehicular movements within the marketplace than currently exists.

For the above reasons the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the adopted Local Plan in this respect.

The Highway Authority have asked for a condition requiring the parking spaces in the square to be provided before the building is first occupied. This is not considered to be necessary given the town centre location of the building. It is not considered to require dedicated parking.

A note can be added to any decision notice to advise the applicant of the need to obtain a Section 184 licence for a footway crossing.

#### Biodiversity

The proposal involves the loss of some existing planting and 1 tree. 2 trees are being retained. The proposal includes replacing planting, 2 new trees and the building has a green roof. The proposal provides a 10% net gain for biodiversity and as such, subject to a condition requiring the provision and retention of this biodiversity, the proposal meets the statutory requirements for biodiversity net gain and the requirements of Policy SC9 of the adopted Local Plan.

#### Issues raised by residents

Most of the issues raised by residents are covered in the above assessment. The proposal is part of a comprehensive scheme for the regeneration of the marketplace which has been the subject of a consultation exercise and has been accepted in principle by the granting of the Local Development Order.

The proposal is, in part, to provide enhanced facilities for market traders rather than an attempt to alienate market traders and to encourage more use of the marketplace for extended periods of time to improve footfall and trade for businesses in the marketplace.

The funding of the scheme has not been considered as this is not a material planning issue which can be taken into account.

The issue of competition for existing cafes has not been considered as this is also not a material planning issue which can be taken into account.

#### **CONCLUSION / PLANNING BALANCE**

In conclusion, this building is a comprehensive scheme that will benefit the space, uplifting the square to give a more modern, cosmopolitan feel to it. This will complement existing shops around it and provide an attractive space for people to visit and linger in,

rather than to just use the square for shopping. The facility will benefit the marketplace area and result in an enlivened space. On balance, the scheme has been well considered and is an appropriate response to the site and its context. A recommendation of approval is put forward on this basis.

## **RECOMMENDATION**

**The application be APPROVED subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Development may not be begun until:
  - a) a biodiversity gain plan has been submitted to the planning authority; and
  - b) The planning authority has approved the plan.The Biodiversity Gain Plan must be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of any on site measures. The biodiversity enhancement measures shall thereafter carried out in accordance with the approved details.
3. The development must not commence until a landscape plan and management schedule to secure gains over a minimum 30 year period in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscaping must be provided on site before the dwelling hereby approved is first occupied.
4. The development must be carried out in accordance with drawing numbers:
  - 2201 Rev P06 Proposed floor plan
  - 2800 Rev P06 Proposed phasing plan
  - 4200 Rev P02 Proposed sections
  - 2212 Rev P06 Proposed market stall layout
  - 3200 Rev P06 Proposed elevations
5. Prior to construction of the building superstructure, samples of the materials to be used for all external areas of the building, including windows, external doors and bi-folding screen must be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved must be constructed in the approved materials and must be maintained as such thereafter.
6. The external paving and planters shown on the approved plan must be provided on site in accordance with the approved plan before the building hereby approved is first occupied and must be maintained as such thereafter.

## **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

## **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.