

PARISH Shirebrook Parish

APPLICATION Variation of condition 2 (Biodiversity gain plans), condition 3 (landscape plans), condition 4 (approved plans), condition 5 (samples of materials) and condition 6 (approved plans) of planning permission 24/00356/FUL

LOCATION Shirebrook Market Place Shirebrook

APPLICANT Shirebrook Town Council C/o Agent

APPLICATION NO. 25/00441/VAR **FILE NO.** PP-14408429

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 20th October 2025

SUMMARY

The application has been referred to Planning Committee as it proposes more than minor changes to proposals that have been previously approved by planning committee.

The original application was referred to 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 are involved in its delivery.

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

The application is recommended for approval.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00441/VAR

SITE & SURROUNDINGS

The site is the northwest corner of Shirebrook marketplace. The marketplace is surrounded by buildings in a variety of commercial/retail uses, many of which have residential uses above. The marketplace has a variety of surface treatments and contains a number of trees as well as a recently erected sculpture/mining memorial. Works have commenced on the regeneration of the marketplace and the construction of the building has commenced on site.

BACKGROUND

Shirebrook Town Council in partnership with Bolsover District Council are seeking to significantly improve the physical and environmental quality of the marketplace to make this important civic space more vibrant and welcoming, and the retail beating heart of Shirebrook. The development forms part of the Shirebrook Market Place: REimagined project.

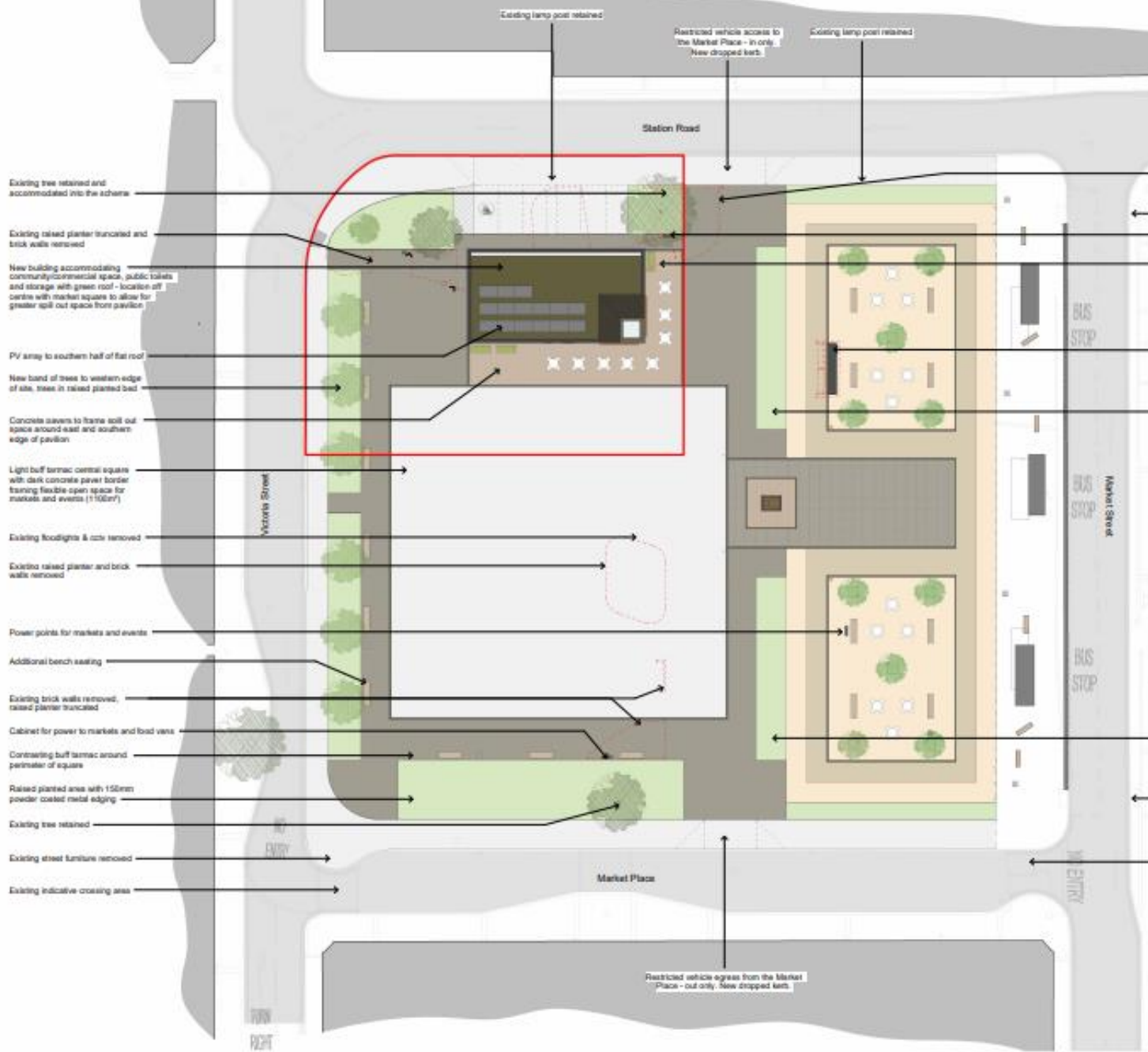
Planning permission has previously been granted for a new building to provide a flexible community space that can be used for a variety of uses, including co-working, community events, cafe, and tourist information centre. The building also provides improved provision of public WCs, market stall storage,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

There is a Local Development Order for Shirebrook Market Place which gives planning permission for numerous works, including a small community building. The construction of a community building within the marketplace was therefore considered to be acceptable in principle, however, the building proposed was of a different nature (in terms of being a building in mixed use) and larger than that which could be construed as being permitted under the Local Development order, hence why a full planning application was submitted and subsequently approved.

PROPOSAL

The current application seeks to vary conditions on the original planning permission for the erection of the new building. This is due to design changes being made during the construction phase in response to the construction method, budget limitations, and Building Control and Biodiversity net gain requirements. The following list identifies the amendments to the approved scheme:

- Site layout amended to increase overall green space and soft landscaping
- Landscape surface finishes amended to provide more robust finish to the market area
- Charred timber cladding to be replaced with fire-treated Knotty Thermowood D in Black
- Solar array added on sedum roof of pavilion building
- Security shutter housing to be mounted externally, but to be concealed and integrated with powder coated metal surround that frames the bi-folding doors
- Bronze screen to roller shutter omitted due to cost limitations
- Rainwater goods with anti-vandal cover to be mounted externally on the north elevation
- Building plinth slightly reduced in height, and now slightly proud of the timber cladding
- Building plinth to be finished in Bathstone Forticrete, rather than Sandstone Forticrete.
- All powder coated metal to be finished in RAL 7042 Traffic Grey A





AMENDMENTS

None

EIA SCREENING OPINION

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

HISTORY

08/00127/FUL	Granted conditionally	Installation of a CCTV surveillance scheme
19/00451/OTHER	Granted conditionally	Local Development Order for shop front repairs
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 Market Place
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 Market Place
24/00356/FUL	Granted conditionally	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 wifi hub. The community hub will be run / managed by Shirebrook Town Council

CONSULTATIONS

Town Council

No comments received.

Derbyshire County Council Highways

Whilst it is noted that a number of parking spaces have been removed from the revised layout plan, which would have been beneficial, there are no objections. A note advising the applicant of the need to obtain a section 184 license to create a dropped crossing to any parking area should be included in any permission.

Senior Engineer

Nothing to add to the comments on the original application which were:

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

Is content that the PV arrays will not impact on the biodiversity matrix and have now been considered. The architect concedes that the appearance will be more cluttered with rainwater goods and extra door but explains the limitations of the budget and construction have led to this adaptation. A greener scheme will enhance the overall appearance and provides an uplift overall which is a bonus to the scheme. Concern remains about the use of the Fortiscrete bathstone which having viewed a sample still gives the appearance of a coloured breeze block rather than stone appearance. Something finer grained and smooth would have been more appropriate and contemporary. The architect indicates it is too late to change because of construction and therefore we can agree to the bathstone in order to be expedient rather than cause any delays in the project.

Whilst there has been a reduction in design quality of the scheme, the architects have studied the materials and made choices based on durability and not just appearance. Recommends approval.

PUBLICITY

Site notice and 30 neighbours notified. No comments received.

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 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed 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 by the council. The proposed building is considered larger than what was granted planning permission by the Local Development Order, but the principle of this larger building/use is established by the earlier planning permission and is considered to be an appropriate town centre use. The only issues for consideration in this instance are the amendments to the design, materials and site layout

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 an 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' space, whilst also creating a memory of the distinctive 'pithead' form. The use of charred timber effect boarding 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 the addition of solar panels to the roof provides a source of renewable energy for the building.

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, etc.

The amendments to the proposal include:

- Site layout amended to increase overall green space and soft landscaping
- Landscape surface finishes amended to provide more robust finish to the market area
- Charred timber cladding to be replaced with fire-treated Knotty Thermowood D in Black
- Solar array added on sedum roof of pavilion building
- Security shutter housing to be mounted externally, but to be concealed and integrated with powder coated metal surround that frames the bi-folding doors
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The landscaping amendments proposed are considered to enhance the overall appearance of the site. The amendments proposed to the building are considered to have weakened its overall design but the alterations have been justified by the need to use materials which are more robust than those originally proposed, the need to comply with Building Regulations and budget constraints. The current proposal is considered to represent a compromise which balances each of these issues whilst still delivering a scheme which is considered to enhance the appearance of the marketsquare and provide material public benefits.

The whole scheme has been well considered and, subject to conditions requiring compliance with the amended plans and approved materials and landscaping, the proposal 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.

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. Two trees are being retained. The proposal includes replacement/improved planting, 3 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 landscaping and the submission of a biodiversity gain plan to show how the biodiversity is to be provided and retained for a minimum of 30 years, the proposal meets the statutory requirements for biodiversity net gain and the requirements of Policy SC9 of the adopted Local Plan.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used	Statutory biodiversity metric completed by Futures Ecology Updated 07.07.2025 original produced 15.07.2025		
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	0.01	0.0	0.0
	Total %	Total %	Total %

	change	change	change
	10.68%	0.0	0.0

CONCLUSION / PLANNING BALANCE

In conclusion, whilst the amended design of the building is considered to have lost some of the quality of the original, this because of budget constraints and the need to comply with Building Regulations and the amendments have been necessary to be able to deliver the scheme. The proposal is part of 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 represents an appropriate response to the site and its context and the public benefits it provides are considered to outweigh the loss of design quality proposed. A recommendation of approval is put forward on this basis.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The soft landscaping must be provided on site in accordance with plan no CC_DD_SMP001 Rev 1 before the building hereby approved is first occupied and must be maintained as such thereafter.
2. The development must be carried out in accordance with drawing numbers:
 - 2201 Rev P08 Proposed Floor Plan
 - 2200 Rev P14 Proposed Site Plan
 - 4200 Rev P03 Proposed Building Sections
 - 3200 Rev C09 Proposed Site Elevations
3. The development shall be constructed in accordance with the approved materials as outlined in LMA-0001 Shirebrook Events Centre - Material Palette (Oct 2025) and must be maintained as such thereafter.
4. The external paving and planters shown on DP-A-2200-S3-P14 - Proposed Site Plan must be provided on site in accordance with approved plan before the building hereby approved is first occupied and must be maintained as such thereafter

Notes

1. BNG1
2. The Biodiversity Gain Plan required by the deemed condition should be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of on-site measures.
3. The applicant is advised of the need to obtain a section 184 license from the Highway Authority to create a dropped crossing to any parking area

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.