

PLANNING COMMITTEE – 7th November 2023

Reference Number: 23/00601/FL

Application expiry: 09/11/23

Application Type: Full

Proposal Description: Reconfiguration and erection of new extensions to the Clay Cross Adult Community Education Centre and former DACES building including limited demolition within the Clay Cross Conservation Area. Erection of 16no new build commercial units. Extensive hard and soft landscape proposals around the buildings including enhancements and modifications to Market Street and Bridge Street (Major Development/Affecting Setting of a Listed Building/Conservation Area/Affecting Public Right of Way/NEDDC) (Amended Plans)

At: Masterplan Site Covering Land Roads and Buildings to the North and West of Broadleys, Clay Cross

For: North East Derbyshire District Council

Third Party Reps: None

Parish: Clay Cross

Ward: Clay Cross North

Report Author: Adrian Kirkham

Date of Report: 23.11.2023

RECOMMENDATION: Grant permission, subject to conditions and final agreement of a section 106 (Unilateral) Undertaking.

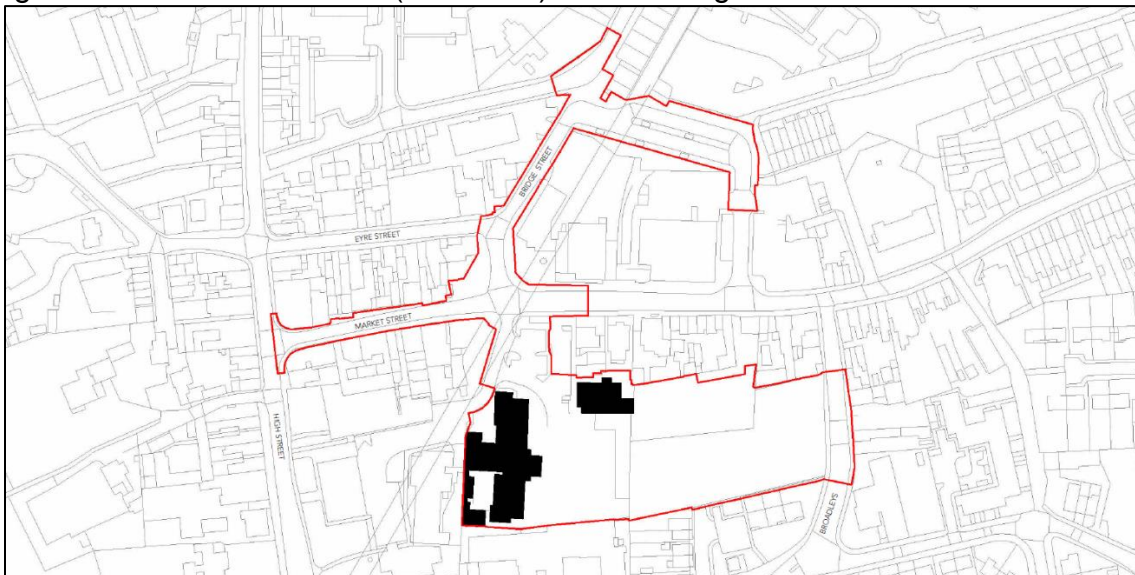


Figure 1: Revised location plan, with site edged in red

1.0 Reason for Report

- 1.1 As determined by the Planning Manager, this application is being considered at planning committee due to the strategic importance of the proposed development.

2.0 Proposal and Background

Site Description

- 2.1 The application site (see Figure 1 above) covers a large area of Clay Cross, with the majority of the site falling within the Clay Cross Conservation Area. The site also forms part of the town centre as defined in the Local Plan.
- 2.2 Included within the masterplan site are two historic buildings, these being the Clocktower Building (DCC Adult Education Centre) and a building identified as Building A (the former DACIES building). These buildings are not formally listed, but because of their significance are identified as non-designated heritage assets and they had historic links to the former primary school building which used to sit to the south of Building A and east of the Clocktower. This building has been demolished and removed from site.
- 2.3 To the north of Building A are other non-designated heritage assets in the form of the former Baptist Chapel and the former police station.
- 2.4 Land immediately to the south and east of these buildings forms an area of scrub land framed by Herras fencing which used to include the primary school building. Beyond this space to the east is an open grassland area which is framed to the north by buildings on Market Street, by Broadleys to the east and by properties and an extra care facility to the south.
- 2.5 To the west, the application site includes a formal public car park and open space which fronts onto Derby Road (A61). The open space has a footpath which runs through it which, in turn connects to a formal signalised pedestrian crossing.
- 2.6 To the south west, on the opposite side of Derby Road is St Bartholomew's Church, a Grade II Listed Building.
- 2.7 To the north west the proposal includes a stretch of Market Street which operates as a one way road (east to west) and leads onto Derby Road. A number of businesses front onto this section of Market Street.
- 2.8 Further to the north, the application site includes Bridge Street, part of Eldon Street and the formal Clay Cross bus station.

2.9 Figure 2 below illustrates the extent of the Conservation Area (brown hatching), town centre (light blue hatched zone) and the position of the housing site allocated in the Local Plan (solid brown zone). St Bartholomew's Church is located in the south west corner.

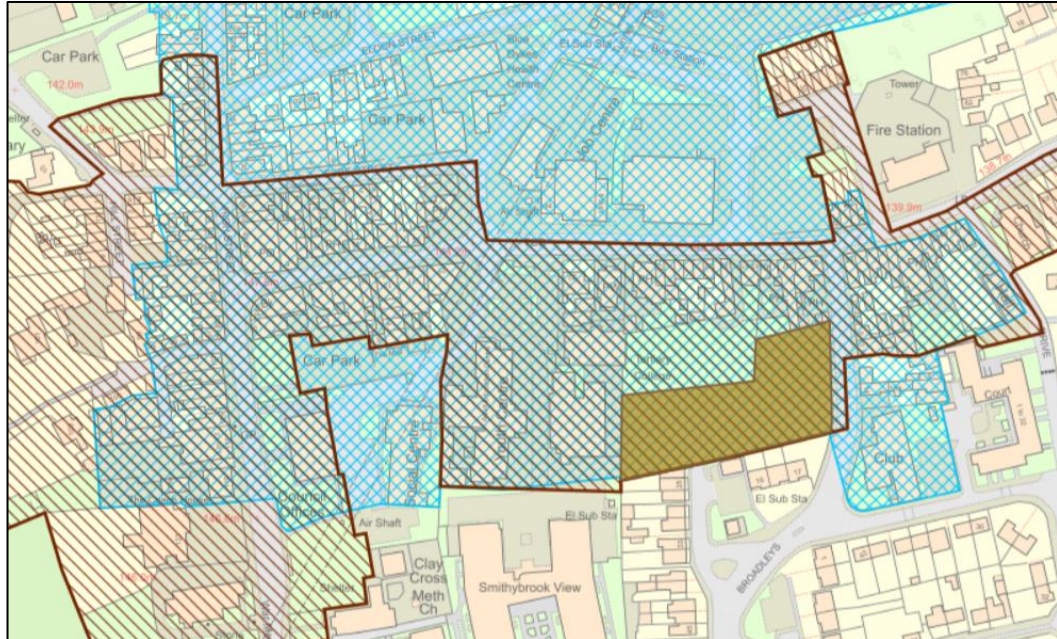


Figure 2: Extract from Local Plan mapping

Proposal

2.10 This application seeks permission for a major regeneration works in Clay Cross, which would form part of Council's bid for Towns Fund to deliver a number of projects included in the Clay Cross Town Investment Plan (TIP) which has evolved since 2020.

2.11 The proposal can be split into 5 key parts (see Figure 3 below), these being:

- Redevelopment of Clocktower Building and Baptist Sunday School/Derbyshire Adult Community Education Service Central (Building A)
- Incubation units, new town square, public open space and access onto Broadleys
- Pedestrianisation of Market Street
- New access onto Derby Road and works to car parking
- Opening of Bridge Street and works to bus stops



Figure 3: Amended proposed layout plan

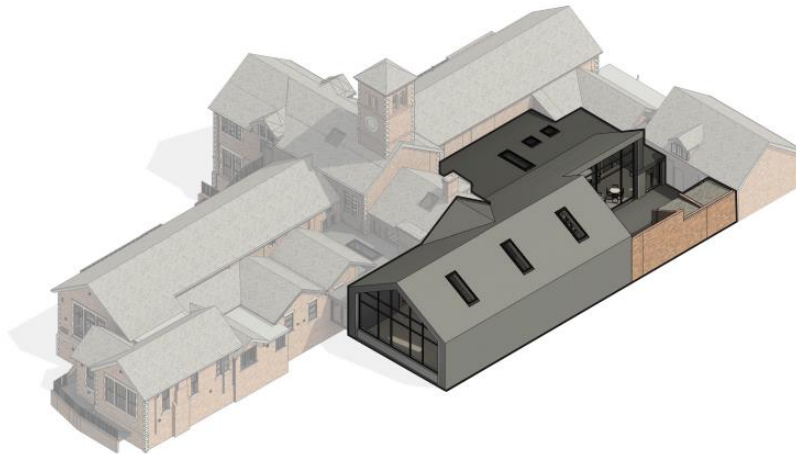
Redevelopment of Clocktower and Building A

2.12 The works to the Clocktower building would involve the demolition of some smaller elements and ancillary structures at the rear (west) of the building to allow the insertion of a new contemporary extension which would form a library and public space. Figure 4 below illustrates the proposed changes to this building. The grey structure is the proposed extension.



Figure 4: Indicative elevations of the Clocktower building

2.13 Figure 5 below illustrates the proposed works to the rear and side of the building.



Proposed Clocktower 3D Massing

Figure 5: Proposed works to the clocktower building

2.14 Building A, the former Baptist Church and Derbyshire Adult Community Education Service Central (DACIES) building is currently a simple building as seen in Figure 6 below.

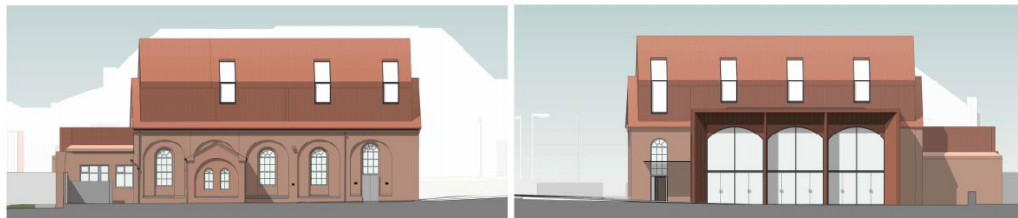


Existing Block A North Elevation

Existing Block A South Elevation

Figure 6: Extract plans of the current Building A

2.15 The proposal is to redevelop and extend Building A upwards, as seen in Figure 7 below, to create a third storey. This will create a three level mixed food and beverage space, along with community areas.



2 - Proposed Block A Building North Elevation

1 - Proposed Block A Building South Elevation

Figure 7: Proposed elevations to Building A

Incubation units, new town square, public open space and access onto Broadleys

2.16 The proposal seeks to build 5 “flexible” commercial units framed around an area of public open space. Figure 8 below illustrates the proposed layout of the 5 units, with them fronting onto open space. A vehicular access from Broadleys will be created to provide access to 4 car parking spaces. A new

pedestrianised access will be created directly from Broadleys to allow ease of access for residents.

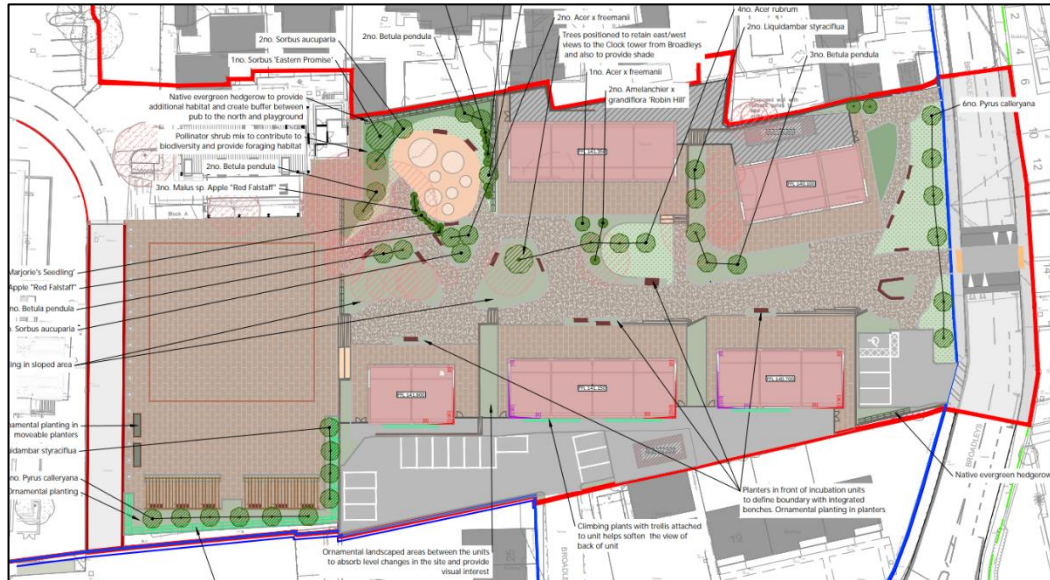


Figure 8: Extract of plans for incubation units, open space, town square and access onto Broadleys

- 2.17 The proposed commercial units will be single storey in scale, with an asymmetric roof design.



Figure 9: Proposed elevations of the incubation units

- 2.18 Landscaping plans has been submitted providing open space forward of the incubation units and to the new town square. The town square will be a formal space forward of the Clocktower Building and Building A and be an adaptable paved open space. An indicative hard and soft landscaping proposal can be seen in Figure 8 above.

Pedestrianisation of Market Street

- 2.19 The proposal here is to remove vehicular traffic from a stretch of Market Street from the junction with Derby Road to the west to Bridge Street to the east. The proposals can be seen in Figure 10 below.
- 2.20 A ramp will be provided at the eastern end which will continue to the south to include the entrance to the new Town Square development. Removable

bollards will be installed along the eastern end to prevent routine vehicular access, however it is envisaged that vehicles may use this space at agreed times.



Figure 10: Proposed pedestrianisation of Market Street

- 2.21 As discussed above, a shared space will be created from Market Street to the south east connecting into the wider open space created forward of Building A and the Clocktower Building.

New Access to Derby Road and works to Car Park

- 2.22 Initial proposals included a proposed access from Derby Road to serve 25 car parking spaces. The proposed layout of this element can be seen below in Figure 11.
- 2.23 To accommodate this new access an area of open space with trees would be lost. Included in the scheme would be EV and disabled spaces. Works to move a pedestrianised crossing on Derby Road would also be necessary.



Figure 11: Proposed access from Derby Road

- 2.24 Bollards would be installed to prevent a through access from Derby Road onto Market Street.

Opening of Bridge Street and works to Bus Stops

- 2.25 The proposal here is to re-open a previously closed section of Bridge Street at the junction with Eldon Street. These changes can be seen in Figure 12 below. This will provide more direct access to vehicles between Market Street and development to the north.
- 2.26 To accommodate the turning movement of buses out of the bus station avoiding conflict with vehicles traveling along Bridge Street, it will be necessary to provide a signalised junction between Bridge Street and the entrance to the bus station. This will provide priority to buses egressing the bus station to minimise journey time delays.
- 2.27 A single bus stop will be removed to accommodate these changes.

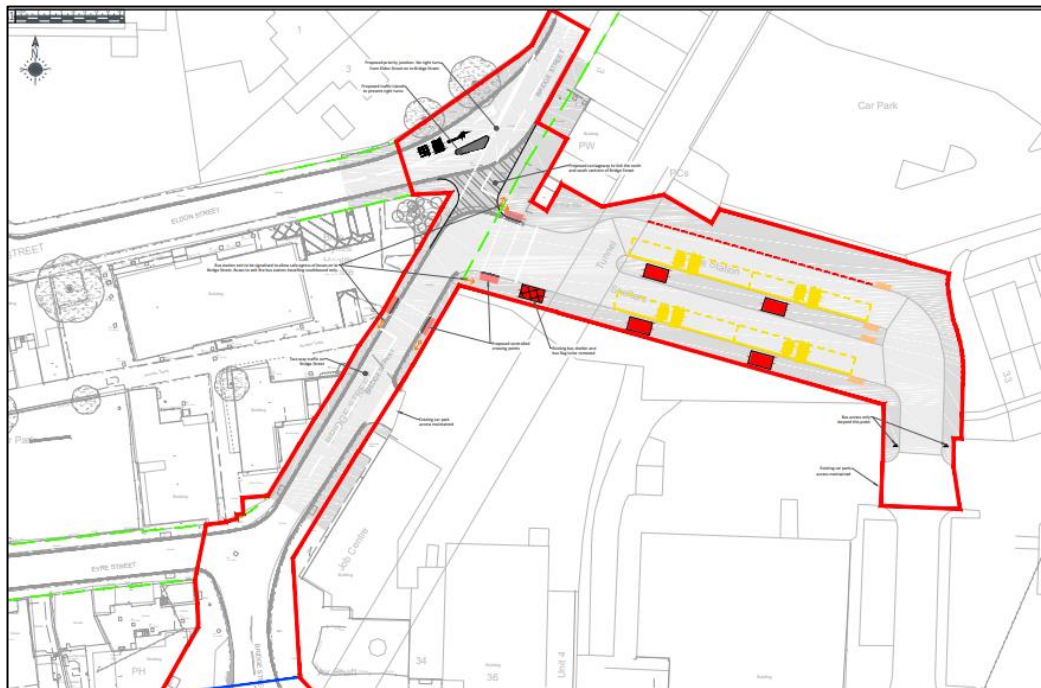


Figure 12: Proposed works to Bridge Street and bus stops

Amendments

- 2.28 Amendments have been submitted to remove the access from the A61 into a car park. A full suite of amended plans have been provided removing this element from the scheme.
- 2.29 Amended plans have also been submitted illustrating the inclusion of solar panels to the proposed incubation units.

- 2.30 An updated plan has been provided phasing the development. Phase 1 would involve works to the east of Market Street including Building A, the town square and incubation units. Phase 2 would include the Clocktower building and works to pedestrianise Market Street and works to reopen Bridge Street.

3.0 Relevant Planning History (not the full site history)

- 3.1 23/00665/EIA | Environmental Impact Assessment (EIA) Screening Opinion for reconfiguration and erection of new extensions to both the Clay Cross Adult Community Education Centre and former DACES building including limited demolition within the Clay Cross Conservation Area. Erection of 16no new build commercial units. Extensive hard and soft landscape proposals around the buildings including enhancements and modifications to Market Street and Bridge Street (No EIA required)

4.0 Consultation Responses

- 4.1 **Ward members** raised no comments.

- 4.2 **Parish Council** raised no comments.

- 4.3 **Highways Authority (HA)** comments:

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- 4.4 Highway Safety - Personal Injury Collision (PIC) data obtained from the Derbyshire Police, as shown in Figure 3-4 and Appendix A of the Transport Assessment by PJA. The extent reviewed includes Market Street, Eyre Street, and High Street. A total of 22 PICs were recorded in the five-year period. One of these PICs was fatal, five were serious and 16 were slight. The proposals are expected to result in a betterment of highway safety in the area, particularly as a result of the closure of Market Street to traffic in order to become a pedestrianised area. The HA have requested Stage 1 Road Strategy Audits (RSA) be submitted.
- 4.5 A61 Access – The HA have reviewed Drawing titled A61 Junction General Engineering Plan (06847-PL-B-0101 Revision P02). Access to the car park from Derby Road, parking provision, new footway and pedestrian link details are noted. A relocation of the pedestrian crossing on Derby Road is also noted. The HA question the merits of this element of the scheme but are satisfied with the junction geometry and visibility splays provided. Swept path details are also considered acceptable.
- 4.6 Market Street Access – Details on drawing 06847-PL-C-0100 Revision P03 are noted. It is understood that this access will also serve the care facility to

- the south. Swept path and vehicle tracking is considered acceptable. No objection is raised to the proposed bollards.
- 4.7 Broadleys Access - Details on drawing No. 06847-PL-D-0101 Revision P2 noted. A vehicular and pedestrian access will be created. Visibility splays from the car park are requested. Swept path and vehicle tracking drawings are considered acceptable.
 - 4.8 Deliveries and Servicing – Service yards will be accessed from Broadleys and loading bay provided north of Market Street. The proposed servicing arrangements shown are overall considered to be acceptable.
 - 4.9 Emergency/Fire Access – Swept path plans have been provided for a fire tender. The HA have requested more information on the proposed bollards at the end of Market Street.
 - 4.10 External Highway Works – Market Street – The HA note the pedestrianisation works to Market Street with access for cycles. New benches and planting will be provided. A ramp and bollards are provided to the east. Vehicles can access at certain times. The HA are satisfied with the proposals and advise the applicant Market Street will require a prohibition of driving order in order to pedestrianise the street. Thorough consultation should be undertaken beforehand to ensure there will be no objections by store owners fronting the highway.
 - 4.11 External Highway Works – Bridge Street – The HA note that this route will be re-opened to two-way traffic. To facilitate this, the bus station exit / Bridge Street junction will be signalised, with buses only permitted to turn left in this location (southbound). New controlled crossings will be provided on the bus station exit, as well as on the southern arm of Bridge Street. Vehicles exiting Eldon Street will only be permitted to turn left. The HA have reviewed drawing 06847-PL-A-0101 Rev P01 and are generally happy with the visibility splays and vehicle tracking. The HA advise that the issues raised by the Sustainable Travel team submitted as part of the DCC Policy comments dated 12/09/23 are addressed.
 - 4.12 Road Safety Audit (RSA) – RSA requested along with any potential amendments to the proposed development.
 - 4.13 Trip Generation and Re-Assignment – HA have considered the submitted Transport Assessment prepared by PJA. HA note that the proposals would result in the re-assignment of existing traffic in Clay Cross due to the external highway works, in particular the closure of Market Street and re-opening of Bridge Street.

- 4.14 For the purposes of the assessment of the new A61 junction, it has been assumed that 30 cars will arrive into this new access in the AM peak and 30 cars will depart in the PM peak. The impact of the rerouting of this traffic is considered to be minimal, given that the traffic would quickly dissipate across the highway network. Subsequently, the impact of this has not been considered at other junctions.
- 4.15 Two accesses are proposed from Broadleys: one to serve 13 car parking spaces and one to serve four car parking spaces. This has not been explicitly considered within the assessment, as the trips associated with these car parks are not considered to be significant.
- 4.16 The HA note that the closure of Market Street will result in the reassignment of existing traffic. As previously assessed by AECOM, it can be assumed that this reassigned traffic would go south via Broadleys onto Thanet Street or north via Bridge Street to the Bridge Street/Harris Way junction. The report assumes that traffic using Eyre Street would remain as existing as no changes to this road are proposed. No objection is raised to the information provided.
- 4.17 Impact Assessment - The Clay Lane/Thanet Street/A61 High Street junction would remain in capacity in 2034 with the addition of the proposed development. However, it is acknowledged it would go slightly over capacity when also including the Egstow Park development and link road. This slight delay would be acceptable, given the wider benefits that would be realised through the reduction in town centre traffic. It is also noted the junction remains within theoretical capacity and the proposals would not change the total volume of traffic routing through this junction, although the distribution of trips across the turning movements would change. The proposed development is forecast to reduce traffic flows through the Eyre Street/Holmgate Road/A61 High Street junction, thus resulting in a betterment from the baseline situation. Finally, the Harris Way / Bridge Street and A61 Site Access Junction are both forecast to operate within capacity in all modelled scenarios.
- 4.18 Travel Plan – Submitted details acceptable, subject to Travel Plan monitoring fee of £6,325.00 being agreed.
- 4.19 Other Considerations – Tree planting in the public highway will require a commuted sum for maintenance as would specialist paving. Any SuDS drainage that is intended for adoption by the highway authority must drain surface water from the highway only. Any combined drainage will not be considered for adoption. SuDS drainage features for adoption will also incur a commuted sum.

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4.20 The HA note the removal of the access from the A61 from the scheme and the submission of RSA's and amended plans. Comments below cover each part of the proposal in turn:

4.21 A61 Access – HA have no objection to the removal of this access.

4.22 Broadleys Access – Drawing 06847-PL-D-0102 P0 has been submitted which demonstrates visibility splays of 2.4m x 18m to the south. It is noted that visibility is impeded by a fence to the south which was also picked up as an issue in the RSA. The HA would expect to see a 2.4m x 25m splay to the south and this can be controlled by way of condition.

4.23 Road Safety Audits – HA have reviewed the RSA's with the accompanying designers responses prepared by PJA. A number of problems are identified and recommendations given in the report. The HA are satisfied with the designers responses which seek to address the problems. Consideration will need to be given during the detailed design response to ensure that all the problems are addressed appropriately.

4.24 Traffic Regulation Orders - The applicant is advised that a number of Traffic Regulation Orders (TRO) will be required. A plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development will be required. The applicant is advised the statutory TRO process is not straightforward; involving advertisement and consultation of the proposals. This matter can be addressed by way of informative note on any decision as it falls outside the planning process.

4.25 Conclusion – The HA advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2023), subject to conditions relating to undertaking access arrangements in line with the approved plans, not closing up Market Street until Bridge Street has been re-opened, implementation of a delivery plan, implementation of a new signalised junction at the bus station exit, provision of adequate visibility splays, agreement of a construction management plan and implementation of a Travel Plan. A contribution towards Travel Plan monitoring should also be agreed.

Comments 26/10/23

4.26 A request came in from the HA (Traffic and Safety) requesting three different traffic regulation orders (each at a cost of £3,000) being required, these being:

- Market Street – Prohibition of Driving/Restricted Zone /pedestrianisation
 - Bridge Street - Revocation of order which closed this section
 - Amendments to existing waiting restrictions in the area
- 4.27 **DCC Planning Policy** provided a comprehensive response dated 11 September 2023 which confirm that the proposals are broadly compatible with the town centre and retailing policies. These comments can be summarised as follows:
- 4.28 NPPF Comments – DCC consider that the range of uses proposed within the application proposal would meet the aims of the NPPF and would be likely to assist in maintaining and enhancing the longer-term vitality and viability of Clay Cross Town Centre. The proposal seems well conceived and provides 16 new incubation units for a mix of E uses. This flexibility would likely ensure the long-term viability of the units and their attractiveness to potential businesses. The new square would provide a focal point and relocation of library to the Clocktower building would provide a complementary use to the retail and leisure uses and attract additional footfall in the centre which would be likely to enhance the overall vitality and viability of the town centre.
- 4.29 Comments on Local Plan policies – LP policy SP2 and Clay Cross Regeneration Framework (CCRF) are key documents. The planning application proposals would positively assist with the key policy aim that Clay Cross will maintain its role as the main social and economic focus of the South of the District, particularly given the range of diverse retail, business, skills and employment and leisure uses proposed. The proposals also have a range of benefits in that they would re-use previously developed land within the town centre, particularly re-use of the former Clay Cross Junior School site. Improvements to connections in and around Market Street would meet key priorities in the CCRF. The proposals would see better links between public buildings and develop the town centre. Incubation units would meet the key priority of the CCRF. Public realm improvements would meet CCRF.
- 4.30 Whilst positive merits are noted, the need to develop the Bridge Street triangle and land to the north of Market Street is still there and is a missed opportunity. Issues relating to sustainable travel; the relocation of the library; conservation and design; landscaping; archaeology; and Public Rights of Way are highlighted which are addressed in more detail below.
- 4.31 Sustainable Travel Comments – numerous different proposals have been explored and it is of concern that the detail of the current application in so far as it affects buses has not been fully explored and discussed. In 2022, the County Council was granted funding from Government (DfT) for what is

known as a 'Bus Service Improvement Plan' (BSIP). Opportunities to create or upgrade the bus hub has not been taken forward in this proposal. To move forward with the BSIP DCC will need to understand the intentions of the Masterplan particularly regarding the reopening of Bridge Street. Significant changes to the Highway at the exit point from the Bus Station including signalisation of what will become a new junction will be required. The designs submitted indicate that the new junction arrangement will necessitate the removal of one of the bus station stands (Stand 3). These implications will feed in to the wider BSIP project which will require careful consideration in how this element can be delivered within the March 2025 timescale.

4.32 The masterplan proposals affect the operation of the Local Bus Service Network (LBSN) in several ways:

- a. The permanent closure of Market Street between High Street and Bridge Street to vehicular traffic affects a few of the LBSN routes which operate this way. Buses which exit this section of Market Street by turning right into High Street will need to operate along the re-opened section of Bridge Street, Harris Way then either north or south along the A61 as appropriate. But see note 2. Buses which turn left from Market Street into High Street would be able to follow the above routing or via Bridge Street (south west), Market Street, Broadleys and Thanet Street to the A61. The latter option omits the stop at St Bartholomew's Church reducing travel opportunities.
- b. The re-opening of Bridge Street has significant effect on the exit arrangements from the Bus Station. Tracking provided (by PJA) as part of the application indicates that it will not be possible to accommodate buses turning right. As such buses requiring a route to the A61 will no longer be able to use the Bus Station and will require provision of a new bus stop on the south side of Market Street in the vicinity of the old Baptist Church. See note 3
- c. The drawings show a (new) bus stop on the south side of Market Street which is required to accommodate services necessarily displaced from the Bus station as discussed in note 2. None of the drawings provide detail for this bus stop which must be constructed to accessibility standards and, if possible, be able to accommodate a shelter. The extent of the carriageway clearway marking may also need to be considered.
- d. As proposed, the Bus Station is reduced from five to four stands. This is, to some extent, mitigated by the requirement to provide a new bus stop on the south side of Market Street (note 3) which will accommodate services necessarily displaced because of the issues discussed above in a. and b.

- 4.33 Issues arising for consideration:-
- a. New bus stops, each side of the road, be provided on the section of Bridge Street between Harris Way and Eldon Street. Some buses would lose access to existing stops on High Street which are close to Eldon Street / Aldi. These stops would help to maintain journey opportunities and provide passenger access to facilities in this part of the town centre. It is not considered that these would require shelter provision.
 - b. The existing bus stop on Market Street (north side) should be upgraded to provide current accessibility standards with consideration for provision of a shelter.
 - c. The closing up of Market Street, as proposed, should not be implemented until such time that Bridge Street has been re-opened and is fully operational.
 - d. That the 'new' bus stop on Market Street (south side) should be fully available (operationally) no later than the re-opening of Bridge Street.
 - e. That new bus stops on Bridge Street be fully available (operationally) no later than the re-opening of Bridge Street.
 - f. The LBSN must be able to function as near normal as possible during any construction works and where necessary temporary arrangements must be put in place.
- 4.34 Relocation of Library Comments – DCC is currently consulting on the relocation of the library as part of the Clay Cross Town Deal. The current building does not meet the vision of the town centre. Clay Cross Library currently has 1,242 registered users. If relocated the new library should remain equal to or similar in floor space to the current facility, remain accessible to all and ensure that library services are not reduced. The proposals would in principle meet the County Council's vision, aims and ambitions to provide a new library in the town centre.
- 4.35 Conservation and Design Comments – Site is within the Clay Cross Conservation Area, which is included on the Historic England at Risk Register. Conservation Areas are designated to preserve or enhance the historic and/or architectural character of an area.
- 4.36 Positives of the scheme include:
- Pedestrianisation of Market Street
 - New uses for the adult education building – including bringing the library closer to the centre
 - New Uses for the Baptist Sunday School
 - The creation of a new public square
- 4.37 Negatives of the scheme include:
- The scheme is disjointed from the centre of Clay Cross.
 - The scheme does not resolve the poor urban structure of Clay Cross immediately to its west and north-west. Without some

improvement/intervention in this area it is always likely that the proposed scheme will feel adrift from the town centre.

- The proposed town square has poor linkage to the town centre.
- The proposed square lacks sufficient strength and containment to actually feel like an urban square. The square 'bleeds' out at its eastern end and the staggered alignment and mass of buildings feels more akin to an out-of-town shopping centre than an urban square.
- The Baptist Sunday School, while being in a relatively poor condition, does positively contribute to the character and appearance of the Conservation Area – the indicative interventions to this building seem rather brutal and do not appear to respect its architectural contribution it makes to the Conservation Area.

4.38 DCC consider that the interventions, as illustrated, may cause sufficient harm to the Conservation Area, which is already 'At Risk', to warrant its de-designation. The District Council may consider that the public benefits delivered by the scheme outweighs this harm. However, with some amendment the scheme could build on the character of the Conservation Area, or at least 'not make it any worse'. It is disappointing that the urban form of Clay Cross immediately to the west of the site is not also included in these proposals.

4.39 Landscape Comments – Once in a lifetime opportunity to make a positive contribution to the town centre. Concern that the proposals do not make the most of this unique opportunity. The Clocktower (adult education/library building) at the western head of the scheme is a strong statement building, but the becomes diluted in its effect as a consequence of both the alignment of the proposed new buildings and the rather arbitrary landscape design of the public spaces. As noted above, it would be good to see better containment of this new urban square either through the arrangement of the new buildings, particularly at the eastern end, but also through landscape design. Linkages to Market Street should be explored again.

4.40 In pure landscape design terms, it is unclear why the design has elected to use more organic, irregular shapes to the planting areas when the overall feel of the space is strongly rectangular in form and lends itself to perhaps a more formal arrangement of the landscaped areas with the use of some larger, long-lived trees that would make a more significant contribution to this space and wider townscape. Perhaps concepts such as hedging or avenues could be considered to help shape the space, define areas, and the way they might be used. Careful thought needs to be given to the proportion of soft and hard works so that there is a proper urban square that might be used for other events through the year such as farmer's markets, fetes, pop-up shops, etc. The easternmost end of the space against Broadleys could even be developed as a proper pocket park.

- 4.41 Archaeological comments – Comments already covered below.
- 4.42 Public Rights of Way comments - Comments already covered below.
- 4.43 Overall Comments from DCC - A number of issues and concerns for the County Council relating to:
- the relationship of the scheme on the wider area of Bridge Street and North of Market Street;
 - the need for further consideration to be given to sustainable travel measures, particularly relating to public transport infrastructure;
 - the potential adverse impacts of the proposals on the Conservation Area as a result of the design and layout of a number of elements of the scheme;
 - the appropriateness of the design and landscaping response of the scheme;
 - archaeological concerns that the design of the scheme could cause substantial harm to one of the undesignated buildings and harm to the significance of an 'at risk' Conservation Area;
 - and impacts on the Public Rights of Way Network should be subject to a number of standard conditions.
- 4.44 **Environmental Health Officer (EHO)** reviewed the submitted coal mining risk assessment and Noise Impact Assessment and recommended a number of conditions relating to land contamination, potential gas risk, acoustic barriers, hours of operation, outdoor music restrictions, fixed plant, construction working hours and extraction details.
- 4.45 With regards to land contamination the EHO raised no objection subject to conditions requiring the submission of a Phase I Contaminated Land assessment, remediation strategy and validation reports on completion of such mitigation measures.
- 4.46 **Historic England** suggest that the LPA seek the views of a specialist conservation and archaeological advisers.
- 4.47 **NEDDC Planning Policy and Environment Team (PPET) (Heritage)** As a summary, highlight the heritage designations in and around the application site. This includes a Conservation Area, number of non-designated local HER's and listed buildings. Within the site there are no listed buildings and 2 non designated heritage assets in the form of the Clocktower building and former Baptist Church (building A).
- 4.48 With regards to works to the Clocktower building, raise concern that the submitted Heritage Statement does not clearly articulate the assets significance. With regards to the extension to the Clocktower, note that it is not clear what historic elements need to be demolished to accommodate

the extension and the elevations do not appropriately illustrate the new extension and impact legibility of the proposed library. It's also unclear how the raised terraces will be accessed. Comments raised at pre app stage are also still relevant, these include the need for a clear identifiable entrance to the building from Market Street, adapt the building so it faces the town square, improvements to the fire escape and introduction of more appropriate boundary treatments. Further work is therefore required on this element of the scheme.

- 4.49 With regards to the works to Building A (Former Baptist church) note the building is in a poor condition. However, there is no structural report submitted with the application. The Heritage Statement has little information on the parts proposed for demolition. The building has group value with the Baptist school and former police station. The building also contributes positively to Clay Cross Conservation Area. The historic interest of the building, not only its forms, contributes to the special interest of the conservation area. The repair and establishment of a viable use for the building is supported and encouraged. However, encourage alterations that respect and work around the existing building form. A less invasive and lighter extension is encouraged to the south elevation, so that the new does not compete with the historic. Encourage extending to the west - creating a stronger urban form. The proposed scheme will result in substantial harm to a non-designated heritage asset. A number of points, including raising the roof of the building alters the relationship with the townscape, the new roof includes large linear roof lights that create a weak void, new detailing of roof covering masks elements which make a positive contribution. Furthermore the new south facing façade needs to be simplified so that it has a lesser impact on the character of the host building and the canopy and new doorway to the western archway further dilutes the significance of the historic building. Overall, the changes proposed represent substantial harm to this non-designated heritage asset. This will further impact on the character and appearance of the Clay Cross Conservation Area, which is already on Historic England's Heritage at Risk list.
- 4.50 With regards to the incubation units, those on the north side could be amended to create better containment. The design of the new units has limited architectural presence and lacks identity; they are unlikely to reinforce or create a distinctive character.
- 4.51 A new formal square at the heart of the town-centre is fully supported and encouraged. The proposed square has particularly poor containment to its east and south. To the east it bleeds into the new incubation units and to the south the square runs into a car park. The square lacks a strong design rationale and does not respond to the material palette of the conservation area or use high quality natural materials. Additionally, the road separating the square from this building is lined with bollards that will present visual

clutter and downgrade pedestrian use of this area. Guidance by Historic England advises reduced use of bollards and better kerb definition. The principle of a smaller square, connecting Market Street to the proposed larger square, is also supported.

- 4.52 Works to Market Street to pedestrianise a stretch of the road needs to ensure that the viability of the shops impacted is not further impacted. The D&A notes that vernacular materials will be used but then specifies concrete products. A better material for an industrial settlement like Clay Cross would be a clay product such as Staffordshire blue bricks. Gimmicky items, such as hopscotch paving, on this main route will age poorly and will further dilute the character and quality of the conservation area.
- 4.53 Works to Broadleys to create public realm does not seem to enhance the legibility of the scheme or provide a strong character that could help unify the proposed arrangements of the new buildings.
- 4.54 Works on the A61 to create a new access will further erode the character of the conservation area and the approach is overly engineered and lacks context response. It is recommended that the advice in Historic England's 'Streets for All' is adopted with this scheme.
- 4.55 In summary, PPET notes that the proposals to the Clocktower Building may be acceptable, even desirable, however, there is insufficient information to fully assess their impacts. The alterations proposed to Building A, result in substantial harm to a non-designated heritage asset. In assessing the scheme, the LPA needs to ensure there is sufficient benefit to offset this level of harm as per the NPPF. The incubator units represent a missed opportunity to provide a new distinctive architectural layer to the Clay Cross Conservation Area. Their layout and height are unlikely to provide strong urban form. New urban squares are welcomed. However, just naming a landscaped area a square is unlikely to deliver a space identifiable as a formal square. More thought is required to the containment of these areas. It is also disappointing that historically appropriate or natural materials are not being employed to reinforce the character and appearance of the conservation area. There seems to be little, if no, design rationale to the proposed landscaping between the incubator units. With regards to other interventions, such as the pedestrianisation of Market Street and introduction of the new highway at the junction with the A61 and the site, strongly advise that design guidance included in Historic England's Streets for All publication is followed. It may also be advisable to employ an engineer/designer that are experienced in interpreting this guidance. Overall, the principles of most of the proposed scheme are supported but the proposals will negatively impact on the architectural and historic interest of Clay Cross Conservation Area. Clay Cross Conservation Area is included on Historic England's Heritage at Risk List. While, overall, this negative

impact could be construed as less than substantial harm it may be sufficient to 'tip the balance' to warrant the de-designation of Clay Cross Conservation Area. Notwithstanding this, with some alteration to the scheme there is the strong potential for enhancement to the conservation area. Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities have a duty to ensure that works preserve or enhance the character or appearance of a conservation area.

- 4.56 **NEDDC Planning Policy and Environment Team (PPET) – Trees** raises concern at the loss of trees immediately adjacent to High Street. Notes that the submitted Arboricultural Report identifies the trees as T5, T12, T13, T14, T16, T17, G4 and G7, the majority of which are identified as category B trees. Category B trees are of moderate quality and it is desirable to retain them where possible. Note that these trees occupy a prominent roadside location, along Derby Road through Clay Cross within the Conservation Area and provide eco-system services alongside considerable amenity value. Heading north from this location the street is already devoid of trees, with little room for any planting in the future due to the close proximity of buildings. Considers that the erosion of planting should be avoided, especially when the main reason for removal is to increase car parking spaces.
- 4.57 The NPPF (Sept 23) recognises the important contribution trees make to the character and quality of the urban environment and recommends that existing trees are retained wherever possible (para 131). This sentiment is echoed within Local Plan Policy SDC2. The current proposal to remove trees of moderate quality, positioned in a prominent roadside location to create spaces for parking, appears to move contrary to this recommendation within NPPF and Policy SDC2, general concerns over climate change and increasing concerns over air quality.
- 4.58 The PPET would wish to see more compensation planting along Market Street, which is proposed to become pedestrianised, although there is insufficient space along Market Street to successfully establish trees of any meaningful stature within the narrow corridor between elevations. In addition, there appears to remain a need for a traffic route along Market Street, which includes clearance for authorised vehicle access and prevents the planting of any obstacle along this route. As such, compensation planting opportunities are limited to the east end of Market Street, which moves the beneficial attributes of air circulation and particulate interception away from the source of pollution along Main Street, or within the site to the further east alongside Broadleys.
- 4.59 The PPET considers that the proposal has ill-considered the significant negative impact to amenity and eco-system services at this location due to these proposed tree losses along Main Street and would encourage an

alternative design solution which does not reduce the number of existing trees immediately adjacent to Derby Road (High Street).

- 4.60 **County Archaeologist** comments that “the site is within Clay Cross Town Centre Conservation Area and includes two historic buildings – the former Clay Cross Community School of 1854/5 (Derbyshire HER MDR13406) and the 1879 former Baptist School and Lecture Hall. As well-preserved 19th century public buildings both of these make a strong contribution to the character of the Clay Cross Conservation Area, and the clocktower of the former Community School in particular is a local landmark. The eastern part of the site was occupied in the 19th century by rows of housing known as Bailey’s Square – presumably industrial or colliery housing, which may have below-ground archaeological potential in relation to the social and material conditions of the settlement.
- 4.61 In terms of the information requirement at NPPF para 194 the applicant’s heritage statement is rather weak. Although there is a partial map regression, a few photographs and some descriptive assessment in relation to the standing buildings I feel that this falls short of properly establishing significance. In relation to the former community school a fuller treatment is needed in terms of photographic appraisal and map regression, and the phasing and relative significance of parts of the building drawing out. The statements of significance for both buildings seem to be primarily lists of perceived detractors rather than positive lists of contributory features. Assessed levels of importance – ‘low’ in each case – seem faulty given that these are key contributory buildings in a designated Conservation Area. ‘Medium’ would seem more appropriate, though arbitrary qualitative descriptors are unhelpful without a clear digest of significance.
- 4.62 In relation to below-ground archaeology there is no discussion at all within the heritage statement, and it is not therefore possible to understand the sequence on the eastern part of the site or the likely preservation of the remains of former workers’ housing.
- 4.63 The design of the proposed interventions to the historic buildings within the Conservation Area is of some concern, as it appears to be directly harmful to the character of the buildings themselves and to the significance of a Conservation Area which is already considered ‘at risk’. Please be advised principally in this matter by your Conservation Officer and by Historic England (who have designated the Conservation Area ‘at risk’). The proposed work to the former Baptist Sunday School and Lecture Hall would clearly amount to ‘substantial harm’ to the significance of this building per se, in that the façade insertion and alterations to the roof structure would completely alter the character of the building. The proposed alteration to the former Community School is somewhat less life-threatening but still amounts to a significant loss of original fabric and needs better justification

around an understanding of significance and phasing of this building. I suspect that design changes will be needed to ensure that the local planning authority meets its statutory duty regards preserving/enhancing the character of the Conservation Area.

- 4.64 The **County Archaeologist** objects to the proposals as currently submitted on grounds of non-compliance with NPPF para 194, in that there is no information on below-ground archaeology and insufficient assessment of the significance of built heritage/Conservation Area. This could be addressed through revision of the historic impact assessment submission as discussed above, though it seems unlikely that this would completely resolve the rather glaring issues with the design proposals. In relation to below-ground archaeology there needs to be a focused 'mini desk-based assessment' with professional archaeological impact – looking at the eastern part of the site and focusing on the full map sequence from earliest to present day, along with documentary/archive research focusing on the history and context of the workers' housing on the site.
- 4.65 The **County Archaeologist** was reconsulted on amended details and raised the following comments:
- 4.66 There appear to have been no changes to the proposals for the built heritage on site and therefore my previous comments and objection still stand in relation to design and built heritage issues, though I advise that you are principally guided in this matter by your Conservation Officer.
- 4.67 The applicant has submitted an archaeological desk-based assessment which addresses my second area of concern in relation to below-ground archaeological potential. This is a useful document which has managed to establish the presence of two rows of worker housing at either end of the site, one associated with the Clay Cross Company and the other with speculative development during the rapid growth of the settlement. Below ground remains of the housing are likely, though levels of preservation are unknown. Potential for useful research contributions could be provided by comparison of the structural make-up of the housing rows noting their differing origins, comparison of sanitary provision associated, and (if present) comparison of material culture associated with each, cross-referenced to documentary sources such as census returns for the two blocks. The desk-based assessment proposes that this should be achieved by – in the first instance – archaeological evaluation trenching to establish preservation and significance, and he agrees with this proposal. Were evaluation to identify significant remains of the workers' housing then more substantial excavation and recording would be appropriate.
- 4.68 The officer advises that this archaeological work should be secured by planning conditions under NPPF para 205. This would be a two-stage post-

consent scheme involving evaluation trenching followed by targeted areas of excavation (where appropriate). The objection is therefore withdrawn with regard to below ground archaeology and it is recommended that this work be secured by way of conditions.

- 4.69 **NEDDC Employment and Skills Officer** raised no comments.
- 4.70 **NEDDC Parks Team** raised no comments.
- 4.71 **NEDDC Streetscene Team** raised no comments.
- 4.72 **Yorkshire Water Authority (YWA)** raised no objection subject to conditions and informative notes.
- 4.73 **NEDDC Drainage Engineer** raised no comments.
- 4.74 **Lead Local Flood Authority (LLFA)** initially requested more information in order to fully assess the impact of development on the disposal of surface water run-off.
- 4.75 The **LLFA** was re-consulted on the additional information provided and raised no objections (18/09/23) subject to conditions relating to the submission of detailed drainage drawings, ensuring that details submitted dealing surface water meet the drainage hierarchy, how surface water run-off will be avoided during the construction phase and the requirement to submit a validation report confirming drainage works have been installed in accordance with the approved details.
- 4.76 **Coal Authority** raised a fundamental concern as the application site falls within a defined Development High Risk Area and a Coal Mining Risk Assessment.
- 4.77 The **Coal Authority** considered the submitted Coal Mining Risk Assessment, dated 15th August 2023 prepared by DICE Environmental. As such the Coal Authority withdraws their objection subject to a number of conditions which safeguard the need for intrusive site investigation works prior to work commencing on site.
- 4.78 **Landfill Aftercare** raised no comments.
- 4.79 **Designing Out Crime Officer** points to pre app comments made in April which were broadly supportive with some advice over the detail of enclosure, lighting, CCTV and hard landscaping.
- 4.80 The proposal has made some revisions to enclosures around the incubation units but most of the other details will be confirmed at a later date. Some

queries are raised to enclosures to the rear of blocks A and B. Block A has access to the rear and the advice is to retain this provision. There is also a strip of enclosed, but unsecured land to the south of block A, between the bin store/flexible space/creche/pottery studio and neighbouring Smithybrook View Extra care site which has the potential to attract misuse and would best have the facility be secured. Conditions should also be included in any decision to cover the specific details of fencing/walling, other enclosures proposed, public lighting and CCTV.

- 4.81 **Derbyshire Wildlife Trust (DWT)** initially required bat survey work be undertaken and considered a Biodiversity Net Gain assessment be submitted.
- 4.82 Following the submission of a PEA, Preliminary Bat Survey, PBRA and Nocturnal Bat Survey, Biodiversity Net Gain Statement, Metric 4.0, Phasing Masterplan and landscaping details DWT were able to provide comments on the proposed development. These are outlined below:
- 4.83 Habitats and Species
Sufficient habitat survey was undertaken as part of the initial Preliminary Ecological Appraisal (PEA) and an update visit was undertaken as part of the BNG assessment. Habitats on site are common and widespread. We support the comments from the Tree Officer and would encourage maximum retention of trees within the scheme.
- 4.84 Protected species constraints are limited to nesting birds and potential for roosting bats. The community hub (Block A) was considered to display at least moderate potential for roosting bats and the clocktower building high potential. In accordance with best practice guidance (Collins, 20161), two nocturnal surveys have been completed on the community hub to date, with no roosts identified. This provides sufficient information to determine the planning application, however the surveys were towards the end of the bat activity season and no internal access was possible. It is advised that at least one update survey should be carried out in the peak of the season (late-May-July, weather depending), prior to works commencing to this building.
- 4.85 Proposals for the community hub have not yet been defined and we understand that this element of the works is now on hold, due to a financial review at Derbyshire County Council. As such, nocturnal bat surveys have not been undertaken at this time. In line with guidance in the British Standard for Biodiversity (BS42020: 2013), we consider that it would be acceptable in this instance to secure bat surveys via condition, prior to the commencement of any works to the clocktower building. Section 9.2.4 lists the exceptional circumstances for conditioning protected species surveys and we suggest that Point b is applicable to this situation (as given below):

- b) To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.*
- 4.86 DWT would encourage meaningful enhancements for wildlife and biodiversity within the scheme as standard, including universal nest bricks, bat bricks, insect bricks/towers and beneficial landscape planting. These details can be secured within a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) but features such as integrated bricks should be given some consideration at the design stage.
- 4.87 Biodiversity Net Gain (BNG)
The submitted biodiversity metric (4.0) predicts a net gain of +2.59 habitat units (31.47%) and +0.21 hedgerow units (132.7%). However, the trading rules are not satisfied and an overall net loss of -0.79 units of 'other neutral grassland' will result from proposals. The trading rules are a fundamental element of the metric ensuring that it functions properly. The BNG Best Practice Guidelines (CIRIA C776a, 2019) are explicit in the need for trading rules to be met, stating:
- "A BNG design should improve the extent or condition of biodiversity affected by a project. It should not result in lost or damaged features being replaced by features of lower biodiversity value. This is regardless of whether a metric shows an increased amount of biodiversity after a project compared with the baseline".
- 4.88 The intention of the metric is to guide the scheme design to deliver a net gain, in line with the rules of the metric and best practice guidance. In this instance, we acknowledge that the loss of grassland is relatively small, ~ 0.1 ha of 'other neutral grassland' in area, and that it is not of especially good quality. The scheme does incorporate soft landscaping with efforts made to provide benefits to pollinators and other wildlife. On balance, we advise that the proposals are largely acceptable, however if any further consideration could be given to increasing the soft landscaped area, particularly areas of grassland or perennial planting, it would be preferable.
- 4.89 Overall **DWT** raise no objection to the proposal subject to conditions relating to the provision of an updated bat survey of the Community Hub (Building A), a bat survey of the Clocktower building, protection of the community hub and clocktower building whilst works is commenced on Phase 1, submission of an external lighting scheme, a condition to protect nesting birds and submission of a Landscape and Biodiversity Enhancement and Management Plan (LBEMP).
- 4.90 **DCC Rights of Way Officer** confirm that Clay Cross Public Footpath No. 1 runs to the west of the boundary of the proposed development site, joining

to the High Street, as shown on the attached plan. The Rights of Way Section has no objection to the proposals subject to the inclusion of a note on any decision issued by the LPA.

- 4.91 **Peak and Northern Footpaths Society** raised no comments.
- 4.92 **The Ramblers Association** note that Clay Cross FP 1 runs approximately east west from the western edge of the area of proposed development. The Ramblers Association assume that the actual start point of said footpath, i.e., that is where it leaves High Street, may be subject to some minor alteration. From the limited information provided we are unable to see how Clay Cross FP 1 would be significantly affected by the development. As a consequence, the Ramblers Association have no comment to offer at this stage of the proposal.
- 4.93 **British Horse Society** raised no comments.
- 4.94 **Chesterfield Cycle Campaign** raised no comments.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of three site notices. The site notices were placed close to the application site on Market Street, Broadleys and High Street which expired on 11 August. An advert was also placed in the local press and expired on 17th August 2023.
- 5.2 A single representation has been received from Andrew King, a Clay Cross Town Board Member and Treasurer of the Clay Cross Town Centre Group. These comments are as follows:

“I write to underscore my support, as a Clay Cross Town Board Member, for the above planning application and in particular for the following aspects of the submission on 4 July 2023 viz:

1. The drawing of the A61 general arrangement (A1) showing the proposed new High Street entrance and exit on the west facing boundary of the existing Market Street car park provides for a dedicated entrance and exit to the public car park which will relieve traffic flow pressure on the existing Market Street entrance that is currently shared with the DCC Social Services car park on the car park's southern boundary. In turn this will lead to a lower flow of public car park seeking traffic towards the entrance of the proposed pedestrian part of Market Street, due to run from the Bridge St junction to the A61 junction, and will be beneficial in supporting the objective of a pedestrian friendly environment as envisaged in the drawing of the Market St general arrangement (A1)

2. The drawing of the proposed Broadleys masterplan (A1) together with Artist image 2 of 2, dated 20 September 2023, succeeds in bringing to life the applicants vision for the proposed new town square flanked on the northern side by a reborn Block A, the former DACES building that has previously been unused for at least the last 10 years. The DACES building constructed as a Sunday School in 1879, but not used as such for many years and no longer fit for purpose, is shown by the artist as being reorientated to the southern elevation, previously somewhat hidden from view, to create a focal point for much wider community use appropriate to the 21st Century and together with its large amount of glazing taking advantage of the prevailing sunshine from the south creates a welcoming building inviting people to go in and use the space for leisure and recreational activity, forming a pleasant contrast with the architectural heritage shown in other buildings within the development. This restated Block A building, once again brought back into use, therefore underlines the commitment of the town investment plan to utilise the town deal funding towards the urban regeneration of Clay Cross to ensure the town centre is a thriving place for people to live and work.”
- 5.3 No other public comments have been received to the proposed development.
- 5.4 Officers understand that formal public consultation events have taken place outside the planning process organised by the applicant.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:
- SS1 Sustainable Development
 - SS2 Spatial Strategy and the Distribution of Development
 - SS7 Development on Unallocated Land within Settlements with Settlement Development limits
 - LC1 Housing Allocations
 - LC2 Affordable Housing
 - WC4 Retail Hierarchy and Town Centre Uses
 - SP2 Clay Cross
 - SDC2 Trees and Hedgerows
 - SDC4 Biodiversity and Geodiversity
 - SDC5 Development within Conservation Areas
 - SDC6 Development Affecting Listed Buildings

SDC7 Scheduled Ancient Monuments and Archaeology
SDC9 Non-Designated Heritage Assets
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place Making
SDC13 Environmental Quality
SDC14 Land Potentially affected by Contamination or Instability
ID1 Infrastructure Delivery and Developer Contributions
ID2 Provision and Safeguarding of Transport Infrastructure
ID3 Sustainable Travel
ID8 Greenways and Public Rights of Way
ID10 Open Space, Sports and Recreation Facilities

National Planning Policy Framework (NPPF)

6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

6.4 Clay Cross Regeneration Framework 2025

Key Priorities and Projects that includes:

- Regeneration of the land and buildings north of Market Street.
- Revision and improvement to the bus station to create an enhanced pedestrian environment.
- Provision of a market square to create a hub to pedestrian routes.
- Better physical links between public buildings - adult education centre, library, job centre and Citizens Advice Bureau.
- Creation of a 'Community Campus' – grouping of civic and amenity facilities, hospital and leisure centre provide an important community hub facing onto Market Street.
- Arts/cultural and heritage/youth facilities if viable and sustainable.
- Protection of existing urban quality in the conservation area. • High quality landscaping.
- Quality office space to maintain existing and attract new businesses.
- Implement town centre pedestrian priority.
- Implement town centre parking accessed directly off A61.
- Developing town centre gateways on the A61 and Market Street.
- Opportunity to improve the public realm and the shop fronts including personalising shops and restoring advertising signs.
- Proposals for short term/temporary uses for vacant sites and shops will be encouraged and a flexible approach to uses will be taken where proposals offer street scene improvements.
- Protection of the church of St. Bartholomew's, including views.
- Consistent improvements to boundary treatments and a common approach to business signage
- Develop Bridge Street Triangle as a retail and services area.

- Secure the Railway Esplanade to deliver a high-quality public realm spine planted with an avenue of trees that recreate the railway tunnel through the town.
- Focus public realm improvements including public spaces on the key movement routes, regeneration areas, and parks.

6.5 Clay Cross Conservation Area Character Statement; 2010

6.6 “Successful Places” Design Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

7.1 The application site covers an area which is centrally located in Clay Cross allocated in the Local Plan as forming part of the wider Town Centre and including land falling within the Clay Cross Conservation Area as shown in Figure 2 above.

7.2 Local Plan policy SS1 is an overarching policy and requires all development to contribute to sustainable development in North east Derbyshire promote the efficient use of land and re-use of buildings, locate development where it is accessible by foot, cycle or public transport, reducing the reliance on the private car. Development should support the local economy by contributing towards business expansion and growth, attracting and supporting a skilled labour force, and improving skills and access for local people to job opportunities. Development should reduce the need for energy in new development and energy efficiency through its lifetime. Any development should promote social and economic well-being of communities and reduce social disadvantages and inequalities. Proposals should create well designed places that are accessible, durable, adaptable and enhance local distinctiveness. They should also protect and enhance the character, quality and settings of towns and villages and heritage assets. Ecological and biodiversity assets should also be protected and/or enhanced. Finally, all development should play a positive role in adapting to and mitigating the effects of climate change by incorporating sustainability techniques, including through the use of sustainable drainage systems, to contribute to the health and wellbeing of communities and the environment through the location, design and operation of development. These matters should be positively incorporated into the proposed development.

7.3 Local Plan policy SS2 sets out the overall spatial strategy and distribution of development across the District. This policy seeks to focus new housing development in the four Level 1 towns and provide new retail floorspace

within the town centre boundaries. The policy supports the regeneration of Clay Cross.

- 7.4 Local Plan policy SP2 focusses on Clay Cross and seeks to ensure that the town maintain its role as the main social and economic focus of the South of the District. Development proposals will be expected to demonstrate how they contribute to the successful delivery of the Clay Cross Regeneration Framework's key priorities and projects. In particular, development proposals will be supported where they contribute to the successful delivery of the Clay Cross Regeneration Framework's key priorities and projects; Protect, implement and maintain the route of the esplanade; Promote public transport and don't preclude the provision of rail access; Protect and enhance the church of St Bartholomew's including views to and from the church; Protect the existing urban quality within the conservation area; increase accessibility to town centre parking from the A61; Develops the Bridge Street triangle as a retail led opportunity area in line with Policy WC4; Takes a flexible approach to uses to encourage proposals for development that will help to secure the regeneration of land north of Market Street; Improve the Public Realm by focusing on key movement routes, regeneration areas and the bus station; Encourage uses within the town centre that enhance the offer of the town as an evening destination, particularly arts and cultural uses and social/leisure facilities for young people; and works with partners to deliver regeneration and place-making projects and innovative service delivery for the town centre to benefit the most deprived members of the community.
- 7.5 Policy WC4 of the Local Plan seeks to ensure that development ensures the vibrancy and economic health of the town centre is not harmed. Development will be permitted where it contributes to the diversity of leisure and cultural attractions; helps to create an active, well-used and safe evening environment, with acceptable impacts on residential amenity; helps to address vacant, under-used or derelict buildings within centres; and contribute to an appropriate mix of licensed premises. Proposals for retail and other town centre uses should be consistent in scale with the size and function of the centre and safeguard the retail character and function of the centre.
- 7.6 In view of the above, it is considered by officers that the proposal forms the redevelopment of a part brownfield site within the town centre which would result in a significant benefit to Clay Cross, as such the principle of the redevelopment of Clay Cross in the manner set out in the application is considered acceptable, subject to an assessment against the various strands of planning policy as outlined above.

Heritage Considerations

- 7.7 The proposal would see the strategic redevelopment of Clay Cross Town Centre. Included in the scheme is the reuse and redevelopment of two non-designated heritage assets in the form of the Clocktower building and former Baptist Church and Derbyshire Adult Community Education Service Central (DACIES) buildings (referred in this report as Building A). These buildings are within the Clay Cross Conservation Area and within the setting of the nearby grade II listed St. Bartholomew's Church.
- 7.8 The Clocktower's current appearance can be seen in Figure 13 below, with Building A seen in Figure 14 below.



Figure 13: Current photos of the Clocktower building

- 7.9 The Clocktower building is the largest building within the Masterplan site area and is currently in use as an Adult Education Centre, operated by DCC. The building was built in 1855 to the designs of H.I. Stevens of Derby, the same designer as St Bartholomew's Church, the only Listed Building in the Clay Cross Conservation Area. The Clock Tower is a one and two storey building constructed of red brick, with ashlar quoins and window surrounds and pitched slate roof. The building is cross shape in plan, with a number of smaller gabled extensions extending from the north and south wings to the west. The clocktower sits approximately central on the building, extending upwards from the roof. The building is referred to in the Derbyshire HER Building Records and considered a non-designated heritage asset.



Figure 14: Current photos taken of Building A

- 7.10 Building A is a modest single storey red brick building with a pitched slate roof, built in 1879. The building, due to its important historic background and vernacular architecture is also considered to be a non-designated heritage

asset. The gables are detailed with large arch windows. Windows are traditional metal framed openings, with external doors timber. The eaves are detailed with a stepped dentil cornice along each elevation.

- 7.11 Most of the application site is located within the Clay Cross Conservation Area (outlined in Figure 15 below)

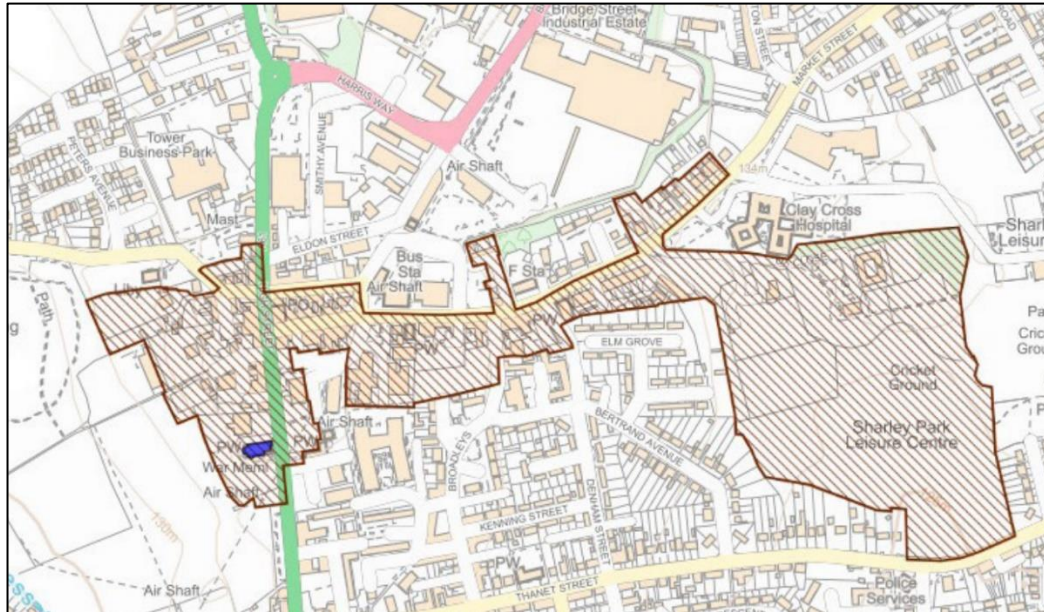


Figure 15: Extent of Clay Cross Conservation Area (hatched brown)

- 7.12 Policy SDC5 of the LP states that development proposals in the conservation area will be permitted where they preserve or enhance the character or appearance of the area and its setting. Development proposals will be considered in relation to how well the design and location of the proposal has taken account of the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area; and the form, scale, size and massing of nearby buildings, together with materials of construction. The re-use of buildings which have national or local historic importance will be supported.
- 7.13 Policy SDC6 of the LP states that *“proposals for alterations to or changes of use of a listed building will be supported where they preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building.”*
- 7.14 Policy SDC7 of the LP goes onto states that development that affects heritage assets with archaeological interest will be permitted provided that it can be demonstrated that the development will not be harmful to the archaeological interest of the assets or their settings, having regard to their significance.

- 7.15 The NPPF requires Local Planning Authorities to consider the potential direct or indirect impact on heritage assets. Greater weight should also be given to considering the impact of a proposed development where designated heritage assets are involved. A suitable heritage assessment should be submitted to clearly assess the harm to such assets. Substantial harm or loss of significance to assets of the highest significance (i.e. scheduled monuments) should be 'wholly exceptional'.
- 7.16 Section 66 of the 1990 Act states that '*...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'.
- 7.17 Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Authorities have a duty to preserve or enhance the character or appearance of a Conservation Area. Moreover, paragraph 199 of the National Planning Policy Framework (July 2021) (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to Designated Heritage Assets should require clear and convincing justification in line with paragraph 200 of the Framework. At para 202 of the NPPF, it is stated that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.18 A Heritage Assessment has been prepared by Buttress dated June 2023. The Heritage Assessment provides a background to the history of Clay Cross, the conservation area and buildings affected by the proposed development. There is an assessment of significance of the buildings, a summary of works and assessment of the heritage impacts, along with a justification statement.
- 7.19 The Heritage Assessment concludes that the historic interest, architectural and artistic interest and archaeological interest of the Clocktower and Building A are 'low'. The report goes on to suggest that the Clocktower has local significance making contribution to the Conservation Area. Building A is considered to have a lesser contribution.
- 7.20 The Heritage Assessment considers that the Conservation Area as a whole is of medium significance. It considers that the changes to The Clocktower Building, Block A, the introduction of new incubator units, and associated public realm, constitutes Moderate Change, as the proposals do not require

the removal of any asset that contributes to the significance or character of the Conservation Area. It concludes that the proposed works will have a 'moderate' scale of impact, with the proposed works having a 'moderate beneficial' impact on the area. The report concludes that in line with the NPPF the proposed development causes 'no harm' to the significance of the Conservation Area.

- 7.21 In terms of work to the Clocktower, the Heritage Assessment considers that the works to the building would constitute a 'moderate' change, having a 'slight' impact. The result in its opinion is a 'negligible beneficial' impact and 'no harm' in accordance with the NPPF.
- 7.22 In terms of work to Building A, the Heritage Assessment considers that the works to the building constitute a 'major change' with a 'slight/moderate' impact. The works would result in a 'minor/moderate beneficial' impact on the asset and 'low, less than substantial harm' in accordance with the NPPF.
- 7.23 A justification statement is included in the Heritage Assessment which considers that scale, height and massing works using appropriate materials would enhance and improve upon the existing built fabric of the Clocktower and Building A. The report concludes that the works proposed are bold and contemporary which will enhance the physical and visual amenity of the area for the wider local community.
- 7.24 The Council's Planning Policy and Environment Team (PPET) provides detailed comments on the proposed works and the contents of the submitted Heritage Assessment as per Section 4 above. In summary, more information is requested on the works to the Clocktower and there is concern that the works to Building A will result in substantial harm to a non-designated heritage asset, the incubation units represent a missed opportunity to provide a new distinctive element to the Clay Cross Conservation area and the layout and height do not provide strong urban form. The new urban square is welcomed, but historically appropriate materials should be employed to reinforce character and appearance of the conservation area. Advice is also provided by the PPET to the works to pedestrianise a section of Market Street.
- 7.25 Included in the comments from the PPET there were concerns at the loss of open space and creation of a new access from the A61, however this element of the scheme has now been removed from the proposal.
- 7.26 Overall, there is support for the principle of redevelopment but concern that the proposals will negatively impact on the architectural and historic interest of Clay Cross Conservation Area. It is noted that the Clay Cross Conservation Area is included on Historic England Heritage "At risk" List. The PPET consider that whilst this negative impact could be considered

less than substantial harm it may be sufficient to 'tip the balance' to warrant the de-designation of Clay Cross Conservation Area.

- 7.27 The proposed redevelopment of the Clocktower building and Building A clearly involve significant alterations and extensions, most notably a third storey to Building A. It is officer opinion that the changes to these non-designated heritage assets would represent less than substantial harm to their significance as the buildings, and so their significance, will not be completely lost. It is accepted that both buildings need a considerable level of works to bring them up to an appropriate standard and Building A appears to be in a particularly poor state. The proposed development seeks to bring both buildings back into a beneficial use making them economically viable and this weighs in the favour of the scheme. Officers are of the view that works proposed are required to secure their optimum viable end use.
- 7.28 Other works, such as public open space works, including pedestrianisation of Market Street, create an opportunity to enhance the character and appearance of the Conservation Area. This too weighs in favour of the scheme.
- 7.29 Works to form the incubation units, town square and improved public open space will clearly have an impact on the Conservation Area. Whilst the incubation units are of an unusual design and lack any real architectural merit and presence, they are developed on an area of scrub grassland/wasteland. Furthermore, these works would clearly bring economic benefits and activity to this part of the town centre.
- 7.30 With regards to the impact on the setting of the nearby Grade II listed St Bartholomew's Church, officers note that the proposed development would be located some 115m north east. The most harmful element of the proposed development would have been the removal of open space to the north east to create the access from the A61 and this has been removed from the scheme. The proposed development as a whole is considered by officers to preserve the significance of the church and its setting.
- 7.31 During the course of the application process, officers attempted to secure amendments to the proposed extensions to Building A. However, physical constraints adjacent to the building meant that extending to the side was discounted. Officers also sought agreement to remove the new third storey from Building A, but it was confirmed that this would displace the proposed community floorspace, which is a key delivery output for the Town Deal, and it would have further reduced the viability of the scheme. These concerns in the view of Officers attract significant weight.
- 7.32 Overall, officers consider that the proposed development has a number of shortcomings, most notably the proposed third floor to building A, the design

of the new town square and the incubation units. All these works collectively would, in the view of Planning Officers, have a negative impact on the character of the Conservation Area. The comments made on the potential de-designation of the Conservation Area are also noted. However, such is the level of overall public benefit that would arise from the investment that would follow permission being granted, that in this case, the benefits of the proposed development outweigh the less than substantial harm caused.

Housing Allocation Considerations

- 7.33 Part of the application site is allocated in the Local Plan for housing, as seen below in Figure 16, and comprises an area of land to the eastern extent of the site framed by open space and properties on Market Street to the north, Broadleys to the east and existing properties to the south. No housing provision is included in the proposed development and no justification has been given for it.
- 7.34 The housing allocation (ref: CC4) covers an area of approx. 0.36ha, with a capacity of approximately 10 dwellings.



Figure 16: Extract from Local Plan illustrating housing site allocation

- 7.35 The Council's current 5 year housing land supply, as of July 2023, is 5.76 years. This site is not included in the list of deliverable sites within the next 5 years. Furthermore, officers note that this site is only allocated for approx. 10 dwellings. As such, it is considered that the loss of this site to other uses would not harm the Council's overall deliverable housing land supply position and that the wider public benefits of the scheme, in this case, outweigh the loss of the small allocated housing site.

Design/Street Scene Considerations

- 7.36 Local Plan policy SDC12 (High Quality Design and Place-Making) requires all new development to be of a high-quality design and make a positive contribution to the quality of the local environment. Development should respond positively to local character and context to preserve and enhance its quality and local identity, create well connected spaces that are easy to navigate and prioritise pedestrian movement facilitating access to public transport. It should also provide well-considered and legible public realm, utilising landmark features and incorporates measures to minimise crime.
- 7.37 As outlined in part 2 of the assessment above, the proposal can be split into 5 key parts, these being:
- Redevelopment of Clocktower Building and Baptist Sunday School/Derbyshire Adult Community Education Service Central (Building A)
 - Incubation units, new town square, public open space and access onto Broadleys
 - Pedestrianisation of Market Street
 - New access onto Derby Road and works to car parking
 - Opening of Bridge Street and works to bus stops
- 7.38 The Clocktower and Building A are historic buildings which used to frame the former Clay Cross Junior School. The proposed works to the Clocktower involve some demolition works and the formation of an extension to the western elevation to form a library and public space. The extensions would be constructed from matching materials and new standing seam metal cladding to the wall and roof of the library element. A new entrance lobby would be formed to the east of the new library element.
- 7.39 Building A is a modest brick building and the proposed works would incorporate a standing seam metal cladding extension to the roof and forward projecting flat roof foyer which will open out onto the proposed town square. Figure 17 below is an artists impression of Building A and its relationship with the Clocktower.
- 7.40 As discussed above, attempts were made by officers to make further amendments, over and above the changes to the access onto the A61, to the scheme and particularly to Building A, but physical constraints on site and viability concerns meant that the changes contemplated to reduce the overall height of the extensions to Building A were discounted and secure other amendments were not possible.



Figure 17: Illustrative view of Building A and its relationship with the Clocktower Building

- 7.41 To the eastern part of the site are 5 incubation units. These units will be single storey in nature, constructed from red facing brick with an asymmetric standing seam metal roof, as seen in Figure 18 below. These units will be of a flexible commercial use and framed around a central corridor of landscaping. To the west would be a new town square. Pedestrian access from Broadleys will be provided and a small car park would also be formed to the south eastern corner of this part of the site and the service yards would be hidden from public view to the rear of the incubation units.



Figure 18: Illustrative view from Broadleys with the incubation units either side and the Clocktower building in the background

- 7.42 The incubation units are simple in form, and in the view of Planning Officers, the proposed design lacks any architectural presence and identity and the

roof shape is at odds with the prevailing character of the Conservation Area. Overall, Officers are of the view these units would add little value to the urban character of the area and do not connect the elements of the scheme together or to the wider urban form.

- 7.43 Concern has been raised by officers to the surveillance into the proposed service yards and car park areas. Plans illustrate the service areas to the north being framed by a high wall but there will be some active surveillance from the rear of properties to the north. The service yards and car parking to the south also lack natural surveillance from the proposed incubation units, but there will be some open views from Broadleys to the south and from the side of a dwelling to the south. As such, additional CCTV may be required to bolster surveillance and address this concern.
- 7.44 Similar concerns were raised to the public open space and town square proposed forward of Building A and the incubation units if they were only used during daytime hours. The applicant has confirmed that the units and town square would be used between 0700-2300 which may discourage anti-social behaviour, however the site lacks surveillance from residential uses, and as such will be reliant on a comprehensive scheme of CCTV. A condition can be included to that effect to ensure a good scheme of CCTV is included in the scheme.
- 7.45 Included in the proposals, to the eastern part of the application site, is a connecting area of public open space which will extend from Broadleys into the town square, details of which can be seen in Figure 19 below. The new town square will be framed to the north by Building A and by the Clocktower building to the west. An existing access serving Smithybrook View and the associated care facility will be retained, and bollards installed along the western edge of the square to prevent vehicular egress. Tree planting would frame the southern edge and south eastern edge of the site where it frames the proposed car park.



Figure 19: Proposed town square

- 7.46 The final soft and hard landscaping proposals submitted with the application are detailed, but concern has been raised as to the finished details, including the use of bollards along the western edge of the town square. There are also some concerns relating to the inclusion of a large number of hopscotch paving areas. To address these concerns a condition would need to be included with any consent requiring updated details of hard landscaping and street furniture to ensure a higher quality of finished public realm is achieved and finished materials used which are in keeping with the character and appearance of the area generally and the Conservation Area in particular.
- 7.47 The scheme also involves the pedestrianisation of Market Street, see Figure 20 below and the removal of vehicular access to a section of Market Street to create a concrete paving area along Market Street and to the south east, linking into the town square as raised above. Included in the plans are new benches, tree planting and hopscotch paving. Removable bollards will be inserted at the eastern and western edges of Market Street to limit vehicular access.

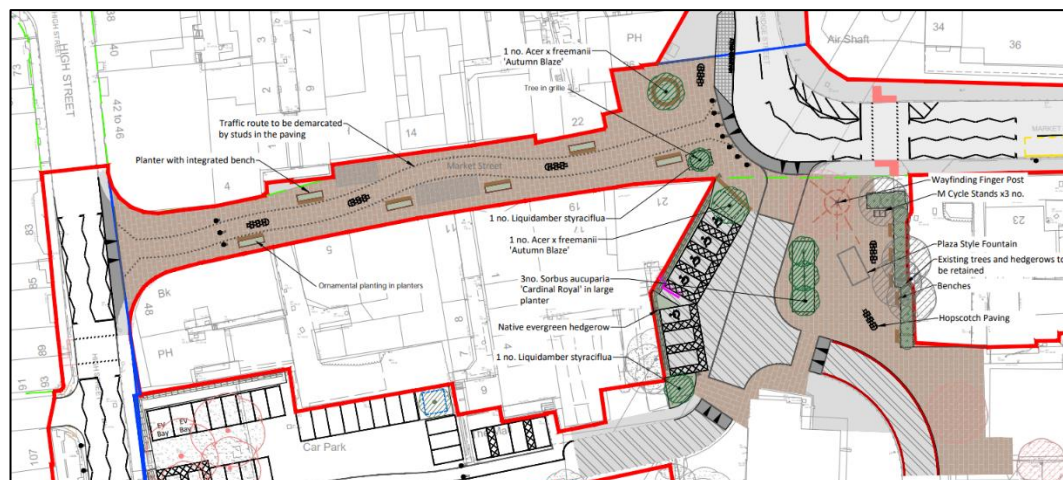


Figure 20: Proposed pedestrianisation of Market Street and space leading to the town square

- 7.48 Initial proposals were to create a new access from the A61 into a car park. This would have included the removal of an area of green space which includes a number of prominent trees. This element of the scheme has been removed from the proposal and car parking retained in its current form and Officers consider this results overall in a better scheme than originally proposed.
- 7.49 The final element of the scheme would involve works within the highway to open up Bridge Street to traffic and of some minor amendments to the bus station area. These changes will have little impact on the character of the street scene or area generally and will focus on the existing highway environment.

- 7.50 The proposed development discusses the use of sustainability features such as solar PV, air source heat pumps and EV charging points. Amended plans have been submitted illustrating the inclusion of solar PV panels to roof slopes away from the public open space. No other details have been submitted and as such it is considered necessary to include a condition to this effect in line with LP policy SDC12(j).
- 7.51 Overall, the proposed development involves significant changes to the character and appearance of two non-designated heritage assets, of which the heritage merits have been considered above, the conservation area and a large area of Clay Cross Town Centre. The proposal would bring back into use two redundant buildings, create a new retail offering and open space which would contribute to the quality of the local environment. Notwithstanding the aforementioned design concerns, it is considered that by the use of targeted conditions and the overall public benefits of the scheme, the design concerns of officer's would be outweighed.

Privacy and Amenity Considerations

- 7.52 LP policy SDC12 states that development will only be permitted where it *“Protects the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.”*
- 7.53 LP policy SDC13 also requires *“all development proposals will be assessed in relation to their impact on air, light, noise, ground and water pollution.”*
- 7.54 Reopening of Bridge Street, seen in Figure 21 below, will involve removing a raised kerb along Bridge Street to the north west of the current bus station and reintroduce a priority junction at the end of Eldon Street. There will be no capability for vehicles to turn right from Eldon Street. The proposed works are likely to increase vehicular traffic along this route and potentially impact residential properties close to the junction, however given the proximity of these dwellings to the town centre and bus station it is not considered that these changes would be detrimental to the amenity of local residents and land uses.

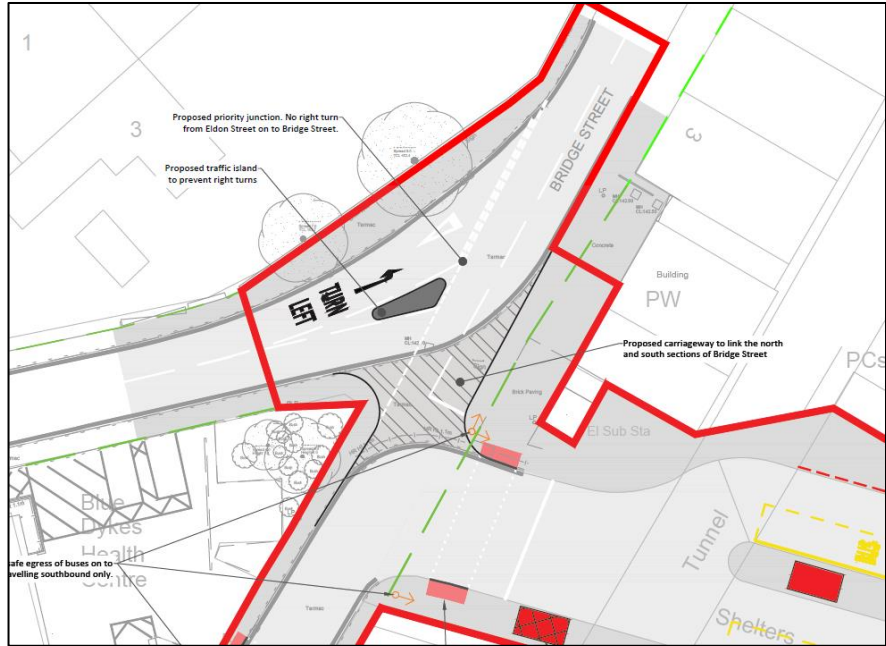


Figure 21: Proposed works to Bridge Street

- 7.55 Pedestrianisation of a section of Market Street from Derby Road (A61) to the west to the junction with Bridge Street will remove a section of one way traffic, which would in officers opinion enhance the amenity in this location. In emergency situations, for deliveries or for events being held on the town square it may be necessary to allow vehicular access to this space.
- 7.56 The proposed new incubation units would be served by three access points off Broadleys (see Figure 22 below), one pedestrian access to the east, a second vehicular access which would serve a small car park providing 4 car park spaces and a third access to the south serving a larger car park to the rear of the proposed incubation units.



Figure 22: Proposed works off Broadleys

- 7.57 The incubation units would be used for a mix of flexible commercial uses included in Use Class E, which includes uses such as shops, professional services, cafes, restaurants, offices, etc. The units would be operational during the hours of 0700 and 2300 each day of the week. Each unit includes a service yard to the rear.
- 7.58 A Noise Impact Assessment has been submitted to support the proposed development. The Council's EHO reviewed the specific details relating to the incubation units and noted the nearby sensitive noise receptors in the form of properties to the north and south, including other business uses adjacent to the site. Whilst no objection was raised to the proposed use of the incubation units and the hours of operation, the EHO did request that conditions be included on any decision requiring the submission of an acoustic barrier between the proposed development and properties to the south. The EHO also requested that the hours of operation, construction working hours, extraction details and any fixed plant required should be addressed by way of condition in order to protect the amenity of neighbouring residential properties.
- 7.59 The proposed town square, as seen in Figure 19 above, would be used for public events and be used as a public open space. The square sits between the Clocktower building, Building A, a supported living facility to the south and new incubation units to the east. An existing road which serves the assisted living facility to the south runs along the western edge of the square.
- 7.60 The Council's EHO reviewed the information in relation to the town square and is of the view that the hours of operation of any temporary market or event should be limited, as should the number of events in a calendar year. This can be controlled by way of conditions in order to protect the amenity of neighbouring residents.
- 7.61 Works to bring back into use the Clocktower building and Building A would see these spaces extended and used for Use Class E purposes. The Clocktower building would include the proposed re-sited library in a new extension and Building A would be used for food and beverage uses. As discussed above, these buildings are close to residential uses to the south and existing businesses to the north.
- 7.62 The EHO raised no objection to the proposed reuse and extension of these buildings subject to conditions limiting the hours of operation, hours of construction and submission of any extraction details required in relation to cooking.
- 7.63 In addition to the above, officers note that it is likely that the public open space may require illuminating during hours of darkness. In order to ensure

that the amenity of adjoining land users is not harmed a condition to cover the submission of external lighting should be included in any decision.

- 7.64 Overall, based on the advice of the Council's EHO, officers consider that the proposed development, subject to the inclusion of a number of conditions, would adequately protect the privacy and amenity of neighbouring residential properties and land uses. Furthermore, it would not give rise to a detrimental impact on existing residents, businesses and future users of the site from air, light and noise pollution.

Highway Safety Considerations

- 7.65 The proposal, as now amended, includes the pedestrianisation of a stretch of Market Street, reopening of Bridge Street and formation of a new access from Broadleys, along with the formation of two small car parks from Broadleys. Also included in the scheme are works within the highway including the formation of public open space.
- 7.66 A Transport Assessment (TA) and Travel Plan (TP) have been submitted to support the planning application. The TA considers the impact of the proposed development. The TP is a working document.
- 7.67 During the course of the application process the applicant has removed the proposed access from the A61 into a car park. As such the pedestrian crossing on the A61 will no longer need to be removed.
- 7.68 The HA have considered the submitted amended plans and RSA reports. No objection is raised to the removal of the access from the A61. Commentary is provided on all other aspects of the proposal and, subject to conditions, the HA considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework.
- 7.69 The HA have requested a Travel Plan monitoring fee over 5 years, totaling £6,325. This has been agreed by the applicant and will be dealt with by way of legal agreement (Unilateral Undertaking). The agreement will be confirmed if permission is granted by members of planning committee.
- 7.70 In addition to the above, on 26/10/23 the HA made a request for financial contributions of £9,000 towards dealing with three Traffic Regulation Orders (TRO's). After discussions with officers at the HA it was confirmed that the TRO contributions can be dealt with at the final highways implementation

process and are not necessary to make the proposed development acceptable in planning terms.

- 7.71 In view of the above, officers conclude that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.72 The site falls in Flood Zone 1 with the lowest probability of flooding. Land predominantly outside the application site to the south and south east is at risk from surface water flooding with the greatest risk being to the south east on Broadleys.
- 7.73 A Flood Risk Assessment has been submitted which considers the site is at low risk from flooding and mitigation measures such as dealing with flood water routing, surface water attenuation, flow rates and use of sustainable drainage principles and designs can be incorporated into the proposal. Any drainage scheme will have to ensure that surface and foul drainage will not increase the risk elsewhere.
- 7.74 The Lead Local Flood Authority (LLFA) raised no objections subject to conditions.
- 7.75 Yorkshire Water Authority raised no comments.
- 7.76 Officers conclude that, subject to conditions, there are no technical drainage reasons relating to that would preclude development.

Land Contamination/Land Stability Considerations

- 7.77 No land contamination or land stability reports have been submitted with the application.
- 7.78 The Council's Environmental Health Officer (EHO) notes the submitted Coal Mining Risk Assessment but notes the lack of land contamination reports. As such no objection is raised subject to a number of suitably worded land contamination conditions.
- 7.79 The Coal Authority (CA) initially objected to the proposed development due to the lack of a Coal Mining Risk Assessment.
- 7.80 A Coal Mining Risk Assessment was subsequently submitted and forwarded to the CA which withdrew its objection subject to a number of conditions.

- 7.81 Officers conclude that, subject to conditions, there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.82 A Preliminary Ecological Appraisal (PEA) has been prepared by Peak Ecology dated 31st May 2023. An Arboricultural Impact Assessment (AIA) prepared by Hamps Valley Ltd Tree Experts dated June 2023 has also been submitted.
- 7.83 The PEA considers that no further amphibian, badger and reptile surveys are required although a bird nesting check is required if works are undertaken during March to August. Further nocturnal activity surveys are required and a Biodiversity Net Gain Assessment is recommended.
- 7.84 A Preliminary Bat Roost Assessment (PBRA) has been undertaken by RPS on the Clocktower and Building A. A Nocturnal Survey Report has been undertaken on Building A. The reports conclude that there were bats present on site and mitigation/enhancement would be required.
- 7.85 A Biodiversity Net Gain (BNG) Calculation has been prepared by Peak Ecology. Using Metric 4.0 it is concluded that the proposed development has an opportunity to provide a BNG of 31% and hedgerow habitat gain of 132%. However, the trading rules are not satisfied and an overall net loss of -0.79 units of 'other neutral grassland' will result from proposals.
- 7.86 DWT comments reviewed the PEA, PBRA and Nocturnal Bat Survey, BNG Statement, Metric 4.0, Phasing Masterplan (Phase 1 includes Building A and Phase 2 includes the Clocktower building) and landscaping plans for Broadleys and DWT support the comments of the Council's Tree Officer.
- 7.87 DWT note that Building A has a moderate potential for roosting bats and the clocktower high potential. Two nocturnal surveys have been completed on the community hub to date, with no roosts identified. This provides sufficient information to determine the planning application, however the surveys were towards the end of bat activity season and no internal access was possible. It is advised that at least one update survey should be carried out in the peak of the season prior to works commencing on Building A.
- 7.88 Proposals for the Clocktower building are not yet defined and this element does not form part of the initial phase of works. No nocturnal surveys have been undertaken on this building. In line with guidance in the British Standard for Biodiversity (BS42020:2013), DWT consider that it would be acceptable in this instance to secure bat surveys via condition, prior to the commencement of any works to the Clocktower building.

- 7.89 DWT also encourage meaningful enhancements for wildlife and biodiversity within the scheme, this can be controlled by way of condition on any decision.
- 7.90 In terms of BNG, the submitted reports predict a net gain, however trading rules are not satisfied and an overall net loss of -0.79 units of 'other neutral grassland' will result from the proposal. DWT note that the trading rules are a fundamental element of the metric. However, DWT note that the loss of grassland is relatively small and that it is not of particular good quality. The scheme does incorporate soft landscaping with efforts made to provide benefits to pollinators and other wildlife. On balance, DWT advise that the proposals are largely acceptable, however further consideration should be given to increasing the soft landscaped area, particularly areas of grassland or perennial planting, it would be preferable. A condition can be included to address this matter.
- 7.91 The AIA notes the existence of two tree preservation orders to the south west of the application site. There are no ancient or veteran trees on the site itself. 36 individual trees were surveyed on the application site. There were 22 category B, 12 category C and 2 category U trees identified. 16 tree groups were surveyed, 9 category B and 7 category C groups were identified. Where trees are impacted RPA and mitigation measures will be required and an AMS will be required to provide full mitigation measures. It is considered that this can be controlled by way of condition on any decision.
- 7.92 As set out above, Officers raised concern over the loss of trees adjacent to High Street, especially when the main reason for removal is to increase car parking spaces as this would be contrary to policy SDC2 of the Local Plan. Officers would like to see additional planting along Market Street and within the scheme.
- 7.93 Amendments to the proposal to remove the access onto A61 and retain green space and trees is welcomed by officers.
- 7.94 The above-mentioned issues can all be adequately addressed through the use of conditions.

Archaeological Considerations

- 7.95 The County Council's Archaeologist notes that the site is within Clay Cross Town Centre Conservation Area and includes two historic buildings which make a strong contribution to the character of the Clay Cross Conservation Area, and the clocktower of the former Community School in particular is a local landmark. The eastern part of the site was occupied in the 19th century by rows of housing known as Bailey's Square – presumably industrial or

colliery housing, which may have below-ground archaeological potential in relation to the social and material conditions of the settlement.

- 7.96 An archaeological desk-based assessment has been submitted and confirms that further site investigation works should be undertaken to ascertain any below ground remains.
- 7.97 No objection is raised by the County Council's Archaeologist subject to the inclusion of conditions on any decision.

8.0 Summary and Conclusion

- 8.1 The proposed development involves the redevelopment of a large area of Clay Cross town centre and it is an integral part of the Council's bid for Towns Fund to deliver a number of projects included in the Clay Cross Town Investment Plan (TIP). The principle of such redevelopment work is acceptable in principle and fully supported by Officers.
- 8.2 Officers conclude that the proposed development would result in a less than substantial harm to the specified non-designated heritage assets and the character of the Conservation Area, but the wider public benefits of the scheme would outweigh this harm and overall preserve the character of the Conservation Area.
- 8.3 The proposed development as a whole, following the removal of the proposed access from the A61, would preserve the significance of the nearby Grade II listed St Bartholomew's Church and its setting.
- 8.4 The loss of a Local Plan housing allocation is noted but in view of the Council's overall housing supply position and the limited number of units affected it is not considered an overriding factor and weighs marginally against the scheme.
- 8.5 In design terms, the proposal includes bringing back into use two non designated heritage assets and an area of the town centre which will make a contribution to the quality of the local environment. There is also potential for the public open space, subject to conditions, to be of good quality design subject to the use of conditions. As such officers conclude that the proposed redevelopment proposals would represent acceptable design which would impact on the character and appearance of the town centre.
- 8.6 Subject to conditions, the proposed development would protect the privacy and amenity of neighbouring residential properties and land uses. Furthermore, officers conclude that the proposed development would not give rise to unacceptable impacts from noise, air and light pollution.

- 8.7 In highway safety terms, no objection has been received from the County Council's Highways Authority and, subject to conditions and a planning obligation to cover the Travel Plan monitoring, it is officers view that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.
- 8.8 Positive amendments have been received retaining a tree lined open space adjacent to the A61 which will have a positive impact on the character of the area and on biodiversity.
- 8.9 Matters relating to the impact on protected species and enhancements for wildlife and biodiversity can be addressed by way of conditions on any decision. Positive amendments have been received retaining a tree lined open space adjacent to the A61 which will have a positive impact on the character of the area and on biodiversity. As such the proposal has an opportunity to protect nocturnal mammals and provide biodiversity enhancements.
- 8.10 Technical matters relating to archaeological investigation works, drainage, land contamination and land stability can be addressed by way of conditions.
- 8.11 Accordingly, overall the principle of the redevelopment is supported by policies of the Development Plan. The loss of a small number of houses from the intended supply weighs against the scheme and the overall design could be improved upon. However, such is the weight Officers attach to the overall uplift in Clay Cross through the attraction of additional investment this outweighs the negative element of the scheme in planning terms and leads Officers to recommend the application for approval subject to the prior completion of a legal agreement (Unilateral Undertaking) and conditions.

9.0 Recommendation

- 9.1 That planning permission is **GRANTED** subject to conditions and **the prior agreement of a Unilateral Undertaking to cover a request by DCC for Travel Plan monitoring**, with the final wording of the conditions and section 106 agreement delegated to the Planning Manager (Development Management):-

10.0 Conditions

No.	Condition	Reason
1	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of

		the Town and Country Planning Act 1990.
2	<p>The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.</p> <p>9578-BUT-XX-00-DR-A-(01)001-P05 (Existing Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-00-DR-A-(04)050-P05 (Proposed round Floor Plan with Demolition – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(01)002-P05 (Existing First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)051-P05 (Proposed First Floor Plan with Demolition – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(01)003-P05 (Existing Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)004-P05 (Proposed Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)052-P05 (Roof Demolition – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)001-P03 (Existing North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)002-P03 (Existing South and West Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)001-P05 (Proposed North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)002-P05 (Proposed South and West Elevations – Clocktower)</p> <p>9576-BUT-XX-00-DR-A-(01)002-P02 (Existing Ground Floor Plan – Building A)</p>	For clarity and the avoidance of doubt.

<p>9576-BUT-XX-00-DR-A-(04)002-P06 (Proposed Ground Floor Plan – Building A)</p> <p>9576-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Building A)</p> <p>9576-BUT-XX-02-DR-A-(04)004-P05 (Proposed Second Floor Plan – Building A)</p> <p>9576-BUT-XX-RF-DR-A-(04)005-P05 (Proposed Roof Plan – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(02)001-P04 (Existing Elevations – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(05)001-P05 (Proposed Elevations – Building A)</p> <p>9577-BUT-XX-XX-DR-A-(04)001-P05 (Proposed Incubation Units Site Plan)</p> <p>9577-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Incubation Units Ground Floor Plans)</p> <p>9577-BUT-XX-XX-DR-A-(04)003-P07 (Proposed Incubation Units Roof Plans)</p> <p>9577-BUT-XX-XX-DR-A-(05)001-P07 (Proposed Incubation Units Site Elevations)</p> <p>9577-BUT-XX-XX-DR-A-(05)002-P07 (Proposed Incubation Units Typical Elevations)</p> <p>9575-BUT-XX-XX-DR-A-(01)001-P03 (Location Plan)</p> <p>9575-BUT-XX-XX-DR-A-(04)001-P08 (Proposed Masterplan)</p> <p>06847-PL-A-0100 Rev P01 (Bridge Street – General Arrangement)</p> <p>06847-PL-A-0101 Rev P01 (Bridge Street - Engineering Plan)</p> <p>06847-PL-A-0120 Rev P01 (Bridge Street - Swept Path Analysis)</p> <p>06847-PL-C-0100 Rev P07 (Market Street - General Arrangement)</p> <p>06847-PL-C-0101 Rev P04 (Market Street - Engineering Plan)</p> <p>06847-PL-C-0120 Rev P04 (Market Street - Swept Path Analysis/Vehicle Tracking)</p> <p>06847-PL-C-0103 Rev P01 (Market Street Public Waste Bin Strategy)</p>	
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	<p>06847-PL-D-0100 Rev P03 (Broadleys - General Arrangement)</p> <p>06847-PL-D-0101 Rev P02 (Broadleys - Engineering Plan)</p> <p>06847-PL-D-0120 Rev P02 (Broadleys - Swept Path Analysis)</p>	
	Details	
3	<p>Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) level on the incubation units hereby approved, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
4	<p>Notwithstanding the submitted details, before work commences on the extension to the Clocktower Building, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
5	<p>Notwithstanding the submitted details (with exception of the works to remove the roof and structural stabilisation works), before work commences on the extension to Building A, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
6	<p>Notwithstanding the submitted details, before any soft landscaping works commence on any public open space, the following shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>

	<p>b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,</p> <p>c) a schedule of proposed plant species, size and density and planting locations, and</p> <p>d) an implementation programme</p>	
7	<p>All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
8	<p>Notwithstanding the submitted details, before any above groundwork commences on any public open space, a scheme of hard landscaping (including surfacing, street furniture, bollards, etc) to all public areas, including the town square, along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as agreed.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
9	<p>Notwithstanding the submitted details, before above groundwork commences, a plan to show the positions, design, materials, height and type of boundary treatment to be erected, along with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed and then retained as such thereafter.</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>
10	<p>Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the buildings, hereby approved, and the proposed finished ground levels of the site shall be submitted to and</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>

	approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	
11	Prior to the first use of either Building A or any incubation unit (whichever comes first), a scheme of CCTV, including a timetable for its implementation, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented in full as agreed and be retained as such thereafter.	In the interest of crime prevention.
12	Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) on the incubation units hereby approved, details of the final position and design of any refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage scheme shall then be implemented in full and retained as such thereafter.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
13	Before the development hereby approved starts, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter.	In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework.
	Uses	
14	The incubation units, clocktower building and Building A hereby approved shall be used for no other purpose other than any use within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.	In the interest of the character and appearance of the town centre, Conservation Area and in the interest of the amenity of neighbouring residents.

	Noise	
15	Before the first use of incubation units 3, 4 and 5 hereby approved, details of an acoustic barrier along the development boundary with any/all residential property(ies), along with a timetable for its implementation, shall be submitted to and be agreed in writing by the Local Planning Authority. The barrier(s) shall then be installed as agreed and retained as such thereafter.	In the interest of the amenity of neighbouring residential properties to the south of the proposed development.
16	Any/all commercial retail/other operations, including the use of the site for any temporary markets/activities of any kind, should be restricted to between the hours of 07:00am and 23:00pm on any day. The buildings and site shall not be formally used at any other time.	In the interest of the amenity of neighbouring residential properties and land uses.
17	The use of the site for any outdoor music concerts shall be restricted to no more than 12 times per year. Prior to the relevant event taking place, notice of the event shall be given to the Local Planning Authority in writing.	In the interest of the amenity of neighbouring residential properties and land uses.
18	Prior to the first occupation of each individual unit, sound power levels of any fixed plant serving units 3, 4 and 5 and any adjoining service yard, as detailed on plan reference 9575-BUT-XX-XX-DR-A-(04)001-P05 dated 30/6/2023, shall be submitted to, and be approved in writing by, the LPA to demonstrate that a rating level of 41 dB(A) will not be exceeded at the boundary with the nearest noise sensitive receptor, when assessed in accordance with the BS4142 standard. The sound power levels of units 3, 4 and 5 and of any adjoining service yard shall not exceed 41 dB(A) at any time.	In the interest of the amenity of neighbouring residential properties to the south of the proposed development.
19	Construction works on site and deliveries during the construction period to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturdays. There shall be no construction works undertaken on site or deliveries to the site undertaken on any Sunday or public/bank holiday.	In the interest of highway safety and amenity of neighbouring residents.

20	<p>Prior to the first use of any individual unit for the provision of food, a scheme for the extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the unit to which they relate and then be permanently retained as such thereafter.</p>	<p>In the interest of the amenity of neighbouring residential properties.</p>
	<p>Drainage</p>	
21	<p>There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which shall have been submitted to and been approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.</p>	<p>To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.</p>
22	<p>No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, including a timetable for its implementation, in accordance with the principles outlined within: a. Clay Cross Town Regeneration Flood Risk Assessment, Report Reference No: CCTR-DCE-XX-XX-RP-C-0001, Revision P01, Dated: June 2023, prepared by Dice Consulting Engineers, Applicant's response by PJA, Reference No: 06847-WR-0001, Dated: 06/09/2023 and proposed drainage plan by PJA, Drawing No: 06847-SK-025-P0 Dated: May 2023 and "including any subsequent amendments or updates to</p>	<p>To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.</p>

	<p>those documents as approved by the Flood Risk Management Team”</p> <p>b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),</p> <p>have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained as such thereafter.</p>	
23	<p>No development shall take place until a detailed assessment has been provided to and been approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.</p>	<p>To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:</p> <ul style="list-style-type: none"> I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or another drainage system; IV. to a combined sewer.
24	<p>Prior to the commencement of the development, hereby approved, a scheme indicating how additional surface water runoff from the site will be avoided during the construction phase shall be submitted to and be approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating as agreed and as appropriate before the commencement of any works and be retained as such until all construction works have been completed.</p>	<p>To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.</p>

25	<p>Prior to the completion of the development, hereby approved, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and be approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).</p>	<p>To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.</p>
Land Contamination		
26	<p>Before the commencement of the development hereby approved:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • the likely presence of potentially hazardous gas, • their likely nature, extent and scale, • whether or not they originated from the site, • a conceptual model of pollutant-receptor linkages, • an assessment of the potential risks to human health, property (existing or proposed) including buildings, • details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy. <p>The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and</p>	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>

	analysis. A report of the site investigation shall be submitted to the local planning authority for approval.	
27	<p>Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
28	<p>No buildings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by condition 27 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

	<p>until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 26(b) to condition 27 above and satisfy condition 28(a) above.</p> <p>c) Upon completion of the remediation works required by conditions 27 and 28(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.</p>	
	<p>Land Stability</p>	
<p>29</p>	<p>No development shall commence until;</p> <p>a) scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	<p>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs</p>

		183 and 184 of the National Planning Policy Framework.
30	Prior to the first occupation and use of any building, hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.	The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
	Ecology	
31	Prior to any works to the community hub (Building A), an appropriate level of nocturnal bat survey work shall be undertaken by suitably qualified ecologists. The level of survey effort shall depend on the time that has elapsed since the 2023 bat surveys and be guided by an ecologist but must include at least one survey in the bat maternity season. Upon completion of survey(s), a strategy, including a timetable for its implementation, shall be submitted to the Local Planning Authority for approval in writing, detailing any necessary mitigation, licensing and enhancements, and shall include the re-location of existing onsite bat boxes if necessary. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter.	In the interest of protecting nocturnal mammals and providing adequate mitigation measures.
32	Prior to any works to the clocktower building, an updated building inspection shall be carried out by a suitably qualified ecologist and subsequent nocturnal bat surveys undertaken, based on the outcome of the building inspection. Surveys shall be in	In the interest of protecting nocturnal mammals and providing adequate mitigation measures.

	<p>accordance with the Bat Survey Good Practice Guidelines (Collins, 2023). Upon completion of surveys, a strategy, including a timetable for its implementation, shall be submitted to the LPA for approval in writing, detailing any necessary mitigation, licensing and enhancements. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter.</p>	
33	<p>During all/any construction works associated with Phase 1 of the scheme hereby, approved, the community hub (Building A) and the clocktower building shall be securely fenced off to prevent accidental damage or encroachment. Any security lighting required during Phase 1 of the works shall be agreed in writing with the Local Planning Authority and only the lighting so agreed shall be installed.</p>	<p>In the interest of protecting nocturnal mammals from harm resulting from development.</p>
34	<p>Prior to the installation of any external lighting fixtures across the site, a detailed lighting strategy and scheme, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall then be implemented in full and no other external lighting shall be installed, erected or placed on the site.</p>	<p>In the interest of protecting nocturnal mammals and in the interest of protecting neighbouring residential properties from lightspill.</p>
35	<p>No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and</p>	<p>In the interest of protecting nesting birds.</p>

	<p>monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.</p>	
36	<p>A Landscape and Biodiversity Enhancement and Management Plan (LBEMP), including a timetable for its implementation, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.</p> <p>The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric (prepared by Peak Ecology, date scanned 20/09/23) and to achieve net gain.</p> <p>The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-</p> <ol style="list-style-type: none"> a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric. b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric. c) Appropriate management methods and practices to achieve aims and objectives. d) Prescriptions for management actions. e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity). f) Details of the body or organization responsible for implementation of the plan. g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20 and 30 years. h) Monitoring reports to be sent to the Council at each of the intervals above 	<p>In the interest of providing landscape and biodiversity enhancements.</p>

	<p>i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.</p> <p>j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.</p> <p>k) Requirement for a statement of compliance upon completion of planting and enhancement works.</p> <p>The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The approved plan/scheme shall then be implemented in accordance with the approved details.</p>	
	Archaeology	
37	<p>a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority.</p> <p>The scheme shall include an assessment of significance and research questions; and</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works 	In the interest of protecting and recording below ground archaeology.

	<p>set out within the Written Scheme of Investigation.</p> <p>b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).</p> <p>c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.</p>	
	Highways	
37	<p>The development hereby approved shall not be brought into use until the highway improvements/offsite works/site access works comprising those on drawings:</p> <ul style="list-style-type: none"> • Market Street Engineering Plan as shown on drawing no. 06847-PL-C-0101 Revision P04 • Bridge Street Engineering Plan as shown on drawing no. 06847-PL-A-0101 Revision P01 • Broadleys Engineering Plan as shown on drawing no. 06847-PL-D-0101 Revision P02, <p>Have been constructed and completed.</p>	To ensure the safe and free flow of traffic onto the highway.
38	<p>The closing up of Market Street, as proposed, should not be implemented until such time that Bridge Street has been re-opened and is fully operational.</p>	To ensure the safe and free flow of traffic onto the highway.
39	<p>The development hereby approved, shall not be brought into use until a delivery plan has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery plan for the lifetime of the development.</p>	In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.
40	<p>The development hereby approved shall not be brought into use until a signalised junction at the bus station exit/Bridge Street</p>	To ensure the safe and free flow of traffic onto the highway.

	has been constructed and completed in accordance with the approved details.	
41	The development hereby approved shall not be brought into use until visibility splays at the Broadleys Access are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres to the North and 25 metres to the South measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.	In the interests of highway safety.
42	The Travel Plan hereby approved, dated June 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details	To reduce vehicle movements and promote sustainable travel.
43	Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:	In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

	<ul style="list-style-type: none">• Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);• Advisory routes for construction traffic;• Any temporary access to the site;• Locations for loading/unloading and storage of plant, waste and construction materials;• Method of preventing mud and dust being carried onto the highway;• Arrangements for turning vehicles;• Arrangements to receive abnormal loads or unusually large vehicles;• Highway Condition survey;• Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.	
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