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**BASSETLAW**

DISTRICT COUNCIL  
NORTH NOTTINGHAMSHIRE

## PLANNING COMMITTEE

# AGENDA

Meeting to be held in  
The Ceres Suite,  
Worksop Town Hall,

on

Wednesday, 14<sup>TH</sup> APRIL 2010

at

6.30 p.m.

**(Please note time and venue)**

**(Please turn off mobile telephones during meetings - In case of emergency  
Members can be contacted on the Council's mobile telephone.)**

**(Photographs or audio recordings during the meeting are not permitted.)**

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*Bassetlaw - Serving North Nottinghamshire*

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District Council Offices, Potter Street, Worksop, Notts. S80 2AH

## **PLANNING COMMITTEE**

**Membership**                      2009/2010

**Councillors**                      M. Bennett, H. Burton, F. Hart, B. Hopkinson, K. H. Isard,  
G. A. N. Oxby, D. R. Pressley, M. G. Pugsley, M. W. Quigley,  
Mrs. A. Simpson, K. Sutton, T. E. Yates

**Substitute Members:**      None

**Quorum:**                              3 Members

### **Lead Officer for this Meeting**

Mr D Askwith/Mr D Rowen - Ext. 3475

### **Administrator for this Meeting**

Linda Dore - Ext. 3249

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### ***NOTE FOR MEMBERS OF THE PUBLIC***

- (a) *Please do not take photographs or make any recordings during the meeting without the prior agreement of the Chairman.*
- (b) *Letters attached to Committee reports reflect the views of the authors and not necessarily the views of the District Council.*

## PLANNING COMMITTEE

Wednesday, 14<sup>th</sup> April 2010

### AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
3. MINUTES OF MEETING HELD ON 3RD MARCH 2010 \* (pages 1- 4)
4. OUTSTANDING MINUTES LIST \* (page 5)

### SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

#### Key Decisions

None

#### Other Decisions

5. REPORT(S) OF THE HEAD OF COMMUNITY PROSPERITY \*
  - (a) Former Vesuvius UK Works – Sandy Lane (pages ~~7~~ - ~~15~~)

#### Exempt Information Items

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

### SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

#### Key Decisions

None.

#### Other Decisions

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

\*Report attached

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#### NOTES:

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1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909 533249 or by e-mail: [linda.dore@bassetlaw.gov.uk](mailto:linda.dore@bassetlaw.gov.uk)
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## DECLARATION OF INTERESTS

### **HOW TO USE THIS FORM**

There are now only two types of Declaration of Interest:

Level 1 – Personal	)	Details can be found in the Councillors
	)	Code of Conduct which is contained in
	)	the Council's Constitution (a summary is
Level 2 – Personal and Prejudicial	)	printed below)

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** level 1 if you are declaring a personal interest, **or** level 2 if you are declaring a personal and prejudicial interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Personal Interests**

May relate to employment or business interests  
May relate to property interests  
May relate to contents  
May relate to interests in other bodies  
**OR** if a decision on the matter to be discussed:  
**MIGHT REASONABLY BE REGARDED AS AFFECTING (A MEMBER OR OFFICER) TO A GREATER EXTENT THAN OTHER COUNCIL TAX PAYERS, RATEPAYERS OR INHABITANTS OF THE AUTHORITY'S AREA, the well being or financial position of himself, a relative or a friend or any employment, business, interest, etc. of such a person.**

#### **Prejudicial Interests**

A Member with a personal interest ALSO has a prejudicial interest if a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members judgement of the public interest.  
(Note – there are special provisions which may exclude the above provisions in certain circumstances.)

#### **Action to be Taken – Personal Interests**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest

#### **Action to be Taken – Personal and Prejudicial Interests**

**Must:-**  
- declare existence and nature  
- withdraw from the room  
- not seek improperly to influence a decision on the matter.  
(Note – there are some exceptions when acting in a scrutiny capacity.)



DRAFT

**PLANNING COMMITTEE****Minutes of the meeting held on Wednesday 3<sup>rd</sup> March 2010 at Retford Town Hall****Present:**

Councillor M Bennett (Acting Chairman)  
 Councillors H Burton, F Hart, D R Pressley, M G Pugsley, M W Quigley, Mrs A Simpson,  
 Mrs K Sutton and T E Yates

Officers in attendance: D Armiger, D Askwith and R Walters

**59. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor K H Isard and G A N Oxby

**60. DECLARATIONS OF INTEREST****(a) Members**

None

**(b) Officers**

None

**61. MINUTES OF THE MEETING HELD ON 20<sup>th</sup> JANUARY 2010**

**RESOLVED** that the Minutes of the meeting held on 20<sup>th</sup> January 2010 be approved.

**62. OUTSTANDING MINUTES LIST**

**RESOLVED** that the Outstanding Minutes List be received.

**SECTION A – ITEMS FOR DISCUSSION IN PUBLIC****Key Decisions**

None.

**Other Decisions****63. REPORT(S) OF THE HEAD OF COMMUNITY PROSPERITY****(a) Public Interest Test**

The Head of Community Prosperity had deemed that he considered all the reports on the agenda were of a non-confidential nature.

(b) Appeal Decisions Received

Members were presented with six appeal decisions.

**RESOLVED** that the Appeal Decisions be received.

(c) Planning Applications and Associated Items

02/08/530

Laing O'Rourke

Steetley Regeneration Site, Steetley  
Lane, Steetley, Worksop, Notts  
S80 3EA

The Principal Planning Officer used a screen display with plans and photographs to outline the proposal to the Committee and initially gave a short resume of the application to date.

The application was reported to the Planning Committee on 20<sup>th</sup> January 2010 where it was resolved to grant permission in principle but to report back to Committee with regard to:

1. The full conditions to be imposed
2. Finalising the draft S106 agreement
3. Setting out reasons in support of the decision
4. Establishing the decision of Bolsover DC

Members were given the following answers to the above:

1. The full conditions are set out in the report but there might be some further minor alterations to wording but not to the substance of the conditions in discussions with Bolsover DC
2. The S106 Heads of Terms are now finalised and set out in the report.
3. The reasons for support are set out in the report
4. Bolsover DC reported to their Full Council on 23<sup>rd</sup> February 2010 where they resolved to grant permission subject to the S106 and the conditions set out in the report.

Legal advice from the Council Solicitor, who was unable to attend the meeting, is that the outstanding issues have been addressed and there is no legal impediment to processing the application. (This was tabled to Members in a written statement from the Council's Solicitor to each Member of the Committee).

There were no speakers.

**RECOMMENDATION OF THE HEAD OF COMMUNITY PROSPERITY** - Grant outline planning permission subject to conditions set out in the report.

**COMMITTEE DECISION:** Grant outline planning permission conditionally.

(Observations (taken from the original report) of the Highways Agency, the County Director of Communities(Highways), Derbyshire County Highway Authority, the Environment Agency, Severn Trent Water, Network Rail, Coal Authority, English Heritage, East midland Development Agency, East Midland Planning Board, Nottinghamshire County Council(NCC) Strategic Planning, NCC Nature Conservation, NCC Rights of Way, Natural England, Natural England (Derbyshire), NCC Archaeologist, Derbyshire County Council(DCC)Archaeologist, DCC Landscape, BDC Conservation Officer, BDC Environmental Health Officer, Bolsover DC Conservation Officer and Health Officer, Shireoaks Parish Council, Barlborough Parish Council, Nottinghamshire Wildlife Trust, Derbyshire Wildlife Trust, Bolsover Urban Design Officer and several letters of objection from local residents were taken into consideration.

**SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

**Key Decisions**

None.

**Other Decisions**

**66. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT**

As there was no other urgent business to be considered, the Chairman closed the meeting.



PLANNING COMMITTEE14<sup>th</sup> APRIL 2010OUTSTANDING MINUTES LIST

Members please note that the updated positions are shown in bold type following each item. (BCM = Building Control Manager, HCP = Head of Community Prosperity, CS = Council Solicitor, DCM = Development Control Manager).

<u>Min. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Decision</u>	<u>Officer Responsible</u>
59(c)	04.02.09	Building Control Unit	(2) An update report on Building Control functions be brought to the Planning Committee in six months time	BCM
	19.08.09		(3) The building Control Unit report be brought to a future meeting of the Planning Committee.	BCM
			<b>Report to be presented to a future meeting</b>	



**BASSETLAW DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**14 APRIL 2010**

**REPORT OF HEAD OF COMMUNITY PROSPERITY**

**SITE OF THE FORMER VESUVIUS WORKS – STATEMENT OF CASE**

Cabinet Member: Community  
Prosperity

Contact: David Armiger  
Ext: 3187

**1. Public Interest Test**

The author of this report David Armiger has determined that the report is not confidential.

**2. Purpose of the Report**

To agree the details of the Bassetlaw District Council Statement of Case in relation to the appeal submitted concerning the recent refusal of permission concerning application 02/09/00033 at the site of the former Vesuvius works in Worksop.

**3. Background and Discussion**

Members will recall that Planning Permission was sought for the mixed use regeneration scheme including offices, light industry, storage / distribution, a foodstore, hotel, restaurants, petrol filling station and safeguarded community sport land. The application included indicative figures showing the proposed mix to comprise a 6,500 sq m food store (confirmed by the applicant to be ASDA), 750 sq m of office units, 17,500 sq m of industrial and warehouse units, a small hotel, restaurant floorspaces, a petrol filling station and safeguarded land for community sports.

Following consideration of this matter by Planning Committee Permission was refused on 23 December 2009. The applicants subsequently submitted an appeal against this decision on 10 February 2010 and the Planning Inspectorate have now requested that the Council submit its Statement of Case in relation to this appeal by 30 April 2010.

The Appellant's evidence and the Council's opposition to the scheme have been considered in detail by Martin Tonks, who has advised the Council on various retail matters including this application. For the purpose of an inquiry, the full extent of the Council's concerns need to be set out in the Council's Statement of Case. This has

been done by Mr. Tonks and approved by Counsel. This is set out at Appendix 1 for approval.

Since this is a major development proposal, involving various technical arguments about retail and other town centre uses, it is felt appropriate to have the document approved by the Council. It makes clear the Council's opposition to the scheme on the basis of both the sequential test and various adverse impacts including the adverse impact on the town centre.

#### 4. Implications

a) For service users

None arising from this report

b) Strategic & Policy

None arising from this report

c) Financial - Ref: 11/61

The costs of instructing external consultants to manage this appeal are covered in departmental budgets.

d) Legal – Ref: 105/04/10

The statement sets out the Council's position in relation to this appeal and is in accordance with the due process for Planning Appeals of this nature.

e) Human Resources

None arising from this report

f) Community Safety, Equalities, Environmental

None arising from this report

g) Whether this is a key decision, and if so the reference number.

This is not a key decision.

#### 5. Options, Risks and Reasons for Recommendations

The Committee has the option whether or not to accept the proposed Statement of Case in relation to this appeal. However failure to do so will inhibit the Council's ability to progress its case at appeal.

#### 6. Recommendation

That the Statement of Case is endorsed by Committee.

**Background Papers**

**Location**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY**  
**INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**  
**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)**  
**RULES 2000**

**SITE OF THE FORMER VESUVIUS WORKS**

**SANDY LANE**

**WORKSOP**

**NOTTINGHAMSHIRE**

**STATEMENT OF CASE BY BASSETLAW DISTRICT COUNCIL**

PINS Ref: APP/A3010/A/10/2124458

LPA Application Ref: 02/09/00033

Date: 27 April 2010

- 1.1 This statement outlines the case that the Local Planning Authority (LPA) will make at the Public Inquiry into the appeal against the Local Planning Authority's decision to refuse an application for outline planning permission.
- 1.2 The appeal relates to a planning application for the development of a site of almost 18 hectares formerly occupied by a brickworks factory with access from Shireoaks Road. To the rear of the buildings was an area of open land used as ancillary company playing fields. The buildings have now been demolished and the site has been cleared.
- 1.3 The appeal site is located around one mile to the west of Worksop Town Centre and lies within a general industrial area; to the north of the Chesterfield Canal, which is designated as Protected Employment Land in Bassetlaw Local Plan. The site lies centrally within the Protected Employment Land, bounded to the south by Shireoaks Road / Sandy Lane, the railway line to the north and further industrial land to the east and west.
- 1.4 The development would comprise a mixed use regeneration scheme including offices, light industry, storage / distribution, a foodstore, hotel, restaurants, petrol filling station and safeguarded community sport land. The application included indicative figures showing the proposed mix to comprise a 6,500 sq m food store (confirmed by the applicant to be ASDA), 750 sq m of office units, 17,500 sq m of industrial and warehouse units, a small hotel, restaurant floorspaces, a petrol filling station and safeguarded land for community sports.
- 1.5 The Design and Access Statement submitted with the application included an Illustrative Layout showing a spine road through the centre of the site, to the safeguarded community sports land at the rear of the site, with a supermarket to the east of the spine road, and the hotel, two restaurants and the petrol filling station towards the site frontage adjacent to the new roundabout, which already has the benefit of planning permission. The employment uses are indicated to the west of the spine road and to the north of the supermarket. Design and scale are reserved matters but the Design and Access Statement suggests that the development is likely to be

single storey for the food store and restaurants, two storey for the offices, industrial and warehouse units and up to three storey for the hotel.

- 1.6 The planning application which is the subject of this appeal was submitted on 10 February 2009. On 11 January 2010 the Council refused the application for outline planning permission for the reasons set out below:

*“The proposed development is unacceptable by virtue of the size of the proposed superstore development and its out-of-centre location, which will result in it having an unacceptable impact on the vitality and viability of Worksop town centre. The development is contrary to the objectives and relevant policy tests of Planning Policy Statement 6 (PPS6), as well as the objectives of Planning Policy Statement 4 (PPS4), which has replaced PPS6. In particular, it fails PPS4 policies EC10, EC14, EC16 and EC17 together with Policy 22 of the East Midlands Regional Plan.”*

## **2.0 Planning Policy and Other Material Considerations**

2.1 Reference will be made to the following national policy documents:

- Planning Policy Statement 1: Delivering Sustainable Development;
- Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- Planning Policy Guidance 13: Transport; and,
- Planning for Town Centres: Practice guidance on need, impact and the sequential approach

2.2 Reference will be made to relevant circulars, ministerial announcements and other policy statements as appropriate.

2.3 Reference will be made to the following documents:

- The East Midlands Regional Plan (EMRP) adopted in March 2009;
- The Bassetlaw Local Plan October 2001 (approved but not adopted); and,
- The Bassetlaw Local Development Framework Core Strategy Issues and Options published in September 2009.

2.4 Reference will be made, as appropriate to studies and policy statements that are relevant to this case including:

- The Bassetlaw Retail Study July 2009; and
- Other town centre monitoring reports / LDF background studies

Reference will also be made to:

- The planning application, associated documents and correspondence;
- Representations received at application and Appeal stage;
- Reviews of the Rapleys Retail Assessment, and other information submitted in support of the planning application, undertaken by Martin Tonks of MT Town Planning on behalf of the Council in reports and correspondence sent between April and December 2009; and,
- Relevant appeal decisions.

2.5 The right is reserved to refer to other relevant policy documents, government guidance and other publications as appropriate.

### **3.0 Case on Behalf of the Local Planning Authority**

3.1 The Local Planning Authority's case will include the following elements:

- The proposal is contrary to the Government objective set out in PPS4 of promoting the vitality and viability of town centres by focussing economic growth and development there.
- The proposal is also contrary to the PPS4 objective of promoting competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups).

- The proposal is also contrary to the PPS4 objective of delivering more sustainable patterns of development, reducing the need to travel, especially by car and responding to climate change.
- The appellant has not demonstrated compliance with the requirements of the sequential approach (policy EC15) as the scale and form of development for which capacity currently existing is for a small to medium sized supermarket in Worksop town centre which could be accommodated on sequentially preferable sites. Current capacity excludes any permission granted for an extension to the existing Tesco superstore which is located on the edge of town centre.
- In addition further elements of the proposal, such as the restaurants and hotel, could and should be disaggregated and accommodated on more central sites.
- There is clear evidence that the proposal is likely to lead to significant adverse impacts set out in PPS4 policies EC10.2 and EC16.1.
- In particular the proposal has not been planned over the lifetime of the development to limit carbon dioxide emissions and the reliance of the development on car born customers would not accord with PPS4 (EC10.2a).
- In addition this out-of-centre appeal site is not accessible by a choice of means of transport contrary to guidance in PPS4 (EC10.2b).
- The impact of the proposal on investment in the town centre would be negative contrary to guidance in PPS4 (EC16.1a).
- The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer will be negative contrary to guidance in PPS4 (EC16.1b).
- The impact of the proposal on in-centre trade & turnover in Worksop town centre will be negative taking account of current and future consumer expenditure capacity in the catchment area contrary to guidance in PPS4 (EC16.1d).
- There will also be negative impacts on Worksop town centre contrary to the development plan strategy contrary to guidance in PPS4 (EC16.1f).

- The failure of the appeal proposal to comply with EC17.1 of PPS4 should be sufficient for the appeal to be dismissed.
- If, which is not accepted one proceeds to consider policy EC17.2, then balancing the positive and negative impacts of the proposal (EC17.2) in terms of PPS4 policies EC10.2 and EC16.1 and any other material considerations, it will be also demonstrated that the regeneration and employment benefits do not outweigh the likely impact and cumulative impact of the proposal.
- The Council will explain how the Appellant offers no guarantees over the construction of the B1(a), B2 and B8 employment development, despite claiming the retail development is enabling.
- The appellant has not considered alternative funding for the redevelopment of the appeal site for predominantly employment use.
- The Council's judgements about the extent and significance of the impacts of the proposal have been informed recent local assessments of the health of Worksop town centre taking account of the vitality and viability indicators in PPS4 Annex D of this policy statement. In addition judgements about the extent and significance of the impacts of the proposal have been informed by other published local information including the 2009 Bassetlaw Retail Study that contains a town centre health check and retail strategy.

3.2 The LPA will respond to any arguments made by the appellant.

#### **4.0 Conclusions**

4.1 The development is clearly contrary to the objectives and policies of national planning policy guidance and in particular Planning Policy Statement 4: Planning for Sustainable Economic Growth.

4.2 The development is not supported by the current or emerging development plan.

4.3 The Council, which is well placed to judge, does not believe local issues such as regeneration and employment benefits are sufficient to overcome the clear conflict with national policy.

4.4 The LPA will ask the Inspector to dismiss this appeal.

## **5.0 Reference Documents**

5.1 The LPA will refer to the following documents in the presentation of its evidence:

1. Planning Policy Statement 1: Delivering Sustainable Development;
2. Planning Policy Statement 4: Planning for Sustainable Economic Growth;
3. Planning Policy Guidance 13: Transport;
4. Planning for Town Centres: Practice guidance on need, impact and the sequential approach;
5. The East Midlands Regional Plan (EMRP) adopted in March 2009;
6. The Bassetlaw Local Plan October 2001;
7. The Bassetlaw Local Development Framework Core Strategy Issues and Options published in September 2009.
8. The Bassetlaw Retail Study July 2009;
9. Other town centre monitoring reports / LDF background studies;
10. The planning application, associated documents and correspondence;
11. Representations received at application and Appeal stage;
12. Reviews of the Rapleys Retail Assessment, and other information submitted in support of the planning application, undertaken by Martin Tonks of MT Town Planning on behalf of the Council in reports and correspondence sent between April and December 2009;
13. Relevant circulars, ministerial announcements and other policy statements as appropriate; and,
14. Relevant appeal decisions.

5.2 The production of the LPA's evidence may be assisted by other documentation which, upon receipt of the Appellant's Statement of Case, is considered necessary to inform the inquiry. The LPA therefore reserves the right to add to or amend the above list of documents.