

ITEM SUBJECT OF A SITE VISIT

Schedule: a
Item No: 2

Application No: 02/09/00033 **Application Type:** Outline Planning Permission

Proposal: MIXED USE REGENERATION INCLUDING OFFICES, LIGHT INDUSTRY, STORAGE / DISTRIBUTION, FOOD STORE, HOTEL, RESTAURANTS, PETROL FILLING STATION AND SAFEGUARDED COMMUNITY SPORT LAND

Location: FORMER VESUVIUS UK WORKS, SANDY LANE, WORKSOP, NOTTS

Case Officer: Mr D. Askwith **Tel No:** 01909 533475

THE APPLICATION

The application site covers an area of almost 18 hectares and was 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. The site 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 application 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. To the north-west of the application site lies the designated ancient woodland of Tranker Wood, which is in the same ownership but is excluded from the application site and unaffected by the proposed development.

The applicant has undertaken site investigation work which has identified ground contamination and in addition slow worms and their habitat. At present the contaminated surface water must be treated and pumped from the site to prevent flooding. In December 2008, planning permission was granted for junction improvements to provide access to a major regeneration site comprising of a new roundabout at the junction of Sandy Lane and Shireoaks Road, which would provide access to the application site.

The planning application has been submitted purely in outline, reserving all matters for subsequent approval for mixed use regeneration including offices, light industry, storage / distribution, a foodstore, hotel, restaurants, petrol filling station and safeguarded community sport land. The applicant has submitted indicative figures showing the proposed mix to comprise a 6,500m² food store (confirmed by the applicant to be ASDA), 750m² of office units, 17,500m² of industrial and warehouse units, a small hotel, restaurant floorspaces, a petrol filling station and safeguarded land for community sports. The Design and Access Statement provides illustrative details of the site 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.

With regard to the Retail Capacity Assessment submitted with the application the Council has engaged the services of a Retail Consultant to provide an independent analysis of the submitted details and to advise the Council in terms of the potential impact of an additional supermarket on the vitality and viability of Worksop Town Centre.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

The East Midlands Regional Plan Policy 1 states that development should meet core objectives and the strategic planning issue centres on whether this is a suitable location for development of this scale and character.

The East Midland Regional Plan Policy 3 states that the distribution of new development and economic activity should be determined on a criteria basis. In assessing the suitability of sites for development priority should be given to making the best use of previously developed land and vacant or under-used buildings.

The East Midland Regional Plan Policy 7 states that the economic, social and environmental regeneration of the Northern Sub-area will be a regional priority.

The East Midland Regional Plan Policy 19 indicates that regeneration activity should be focussed, amongst other areas, upon the Northern Sub-area, with its concentration of economic, social and environmental problems linked to the decline of the coal industry.

The East Midland Regional Plan Policy 20 states that employment land reviews are kept up-to-date to inform the allocation of a range of sites at sustainable locations.

The East Midland Regional Plan Policy 22 states that Local Authorities should promote the vitality and viability of existing town centres. Where town centres are under-performing, action should be taken to promote investment through design led initiatives and the development and implementation of town centre strategies.

Planning Policy Statement 1: Delivering Sustainable Development emphasises the Government commitment to the principles of sustainable development and shaping new development patterns in ways which minimise the need to travel.

Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms sets out the Government's consideration of industrial and commercial developments emphasising the need for development plans to take account of the locational demands of business and wider environmental objectives.

Planning Policy Statement 6: Planning for Town Centres sets out the Government's policy on planning for the future of Town Centres.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out the principles and policies that apply to the protection of biodiversity and ecological conservation through the planning system.

Planning Policy Guidance Note 13: Transport sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Guidance Note 16: Archaeology and Planning sets out the Government's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation sets out the Government's policy on open spaces, sport and recreation which all underpin people's quality of life supporting urban renaissance, rural renewal, social inclusion, health and well being and promoting more sustainable development.

Planning Policy Statement 23: Planning and Pollution Control is intended to complement the pollution control framework.

Planning Policy Guidance Note 24: Planning and Noise guides local authorities on the use of their planning powers to minimise the adverse impact of noise.

Planning Policy Statement 25: Development and Flood Risk sets out the Government's aim to ensure that flood risk is taken into account at all stages in the planning process.

Bassetlaw Local Plan Policy 2/1 states: Within settlement envelopes employment creating development will be acceptable provided that it does not create or aggravate environmental, amenity, safety, or traffic problems and does not adversely affect the character of the surrounding area.

Bassetlaw local plan Policy 2/13 states: Permission will be granted for the use for other purposes of land allocated for employment in the Local Plan or of existing employment areas which are identified on the Proposals Map only if:

- a) their current use produces unacceptable traffic or environmental problems which would be significantly alleviated by the proposed use; or
- b) the site is no longer capable of satisfactory use for employment creating purposes.

Bassetlaw Local Plan Policy 2/14 states: Permission will be granted for the enlargement or redevelopment of existing business premises or sites where this is required by the development of business on the existing sites, provided that it does not create or aggravate environmental, amenity, safety or traffic problems and does not adversely affect the character of the surrounding area.

Bassetlaw Local Plan Policy 3/9 states: Development which would significantly erode or conflict with the retailing function of the Retail Core areas as identified on the Town Centre Inset Proposals maps will not be permitted.

Bassetlaw Local plan Policy 4/4 states: Retail development, including the development of superstores and retail warehouses, outside the town centres of Worksop and Retford will be permitted only where:

- a) it would not directly, or when considered together with any recently constructed scheme or other committed schemes likely to be developed in the short term, undermine the vitality, viability or character of either town centre; and
- b) it would not conflict with the aims of the Council to maintain Worksop and Retford as the main shopping centres of the district, to increase the proportion of Worksop's retailing which is located in the centre, and to retain the concentration of retail facilities in Retford town centre;
- c) no suitable site or building suitable for conversion is available within the town centre or failing that on its fringe or in district centres.
- d) it would not prejudice the implementation of a committed scheme for the redevelopment, extension or improvement of either town centre where that scheme

would make a significant contribution towards enhancing the facilities for shoppers in the town centre; and

- e) it would be readily accessible by private and public transport, by foot and by cycle; and
- f) it would not give rise to unacceptable vehicular or pedestrian traffic conditions and car parking provision would be adequate; and
- g) development would not involve the use of land allocated or designated in the development plan for other purposes, and
- h) the site is within the existing built up area of the town; or
- i) the development satisfies the requirements of policy 4/5.

Bassetlaw local Plan Policy 6/1, 6/1A and 6/1B state:

Policy 6/1

Planning permission will not be granted for development which would harm a site of Special Scientific Interest, a Local Nature Reserve or a site of importance for nature conservation, unless other material considerations outweigh those of nature conservation.

Policy 6/1A

Where development is permitted which may damage a nature conservation site, conditions will be attached and/or a planning obligation will be sought to minimise the harm. If damage is unavoidable, the creation of new habitats will be secured where practicable.

Policy 6/1B

Planning permission will not be granted for development which would have an adverse effect on a species, or its habitat, protected by national and/or European legislation, unless conditions are attached and / or a planning obligation is entered into requiring steps to be taken to secure its protection.

Bassetlaw Local Plan Policy 6/2 states: Planning permission will not be granted for development which would adversely affect areas of open space which are of importance from a recreational or amenity point of view.

Bassetlaw Local Plan Policy 6/8 states: Planning permission will not be given for development that would destroy or adversely affect either trees subject to preservation orders, hedges subject to hedgerow retention notices or ancient woodlands.

Bassetlaw Local Plan Policy 6/9 states: Planning permission for development which would adversely affect trees, hedgerows or woodlands which contribute significantly to the appearance of the area will only be granted where all reasonable opportunities to incorporate them into the development and to avoid or minimise the adverse effects of development are taken.

Bassetlaw Local Plan Policy 6/25 states: Planning permission will not be granted for development that:

- a) would itself be at risk from flooding or would increase the risk of flooding elsewhere unless satisfactory compensatory or alleviation measures are proposed; or
- b) would give rise to substantial changes in the characteristics of surface water run-off, unless adequate measures are taken to offset any harmful effects on the drainage system, or
- c) would have an adverse effect upon the integrity of tidal or fluvial defences.

Bassetlaw Local Plan Policy 6/26 states: Planning permission will be granted only if:

- aa) Arrangements for the disposal of foul sewage, trade effluent and surface water are satisfactory;

- b) where practicable they are disposed of by way of the public sewerage system; and
- c) the development will not create any significant risk of pollution of watercourses or groundwater

Bassetlaw Local Plan Policy 6/27 states: Planning permission will be granted for development on land which is contaminated or unstable only if adequate precautions are taken to ensure that there will be no risk to the public or future occupiers of the site or adjoining land and that there will be no risk of pollution or other adverse environmental effects.

Bassetlaw Local Plan Policy 7/1 states: Planning permission will be granted for development only if facilities that will encourage, and safely and conveniently accommodate, pedestrian, cycling and public transport movements are provided where it is practical and reasonable to do so.

Bassetlaw Local Plan Policy 7/3 states: Development should make provision for the parking of vehicles, including bicycles and motor cycles. In town centres and other locations well served by public transport reduced standards may be applicable. This will be agreed through negotiation and would only be acceptable where:

- a) it would not cause additional problems or environmental harm to the surrounding area
- b) it would not lead to congestion on the local highway network
- c) it would not prejudice road safety; or
- d) it would harm the amenities of local residents, for example by increases in on street parking.

Bassetlaw Local Plan Policy 8/1 states: Planning permission for recreational development within the settlement envelopes will be granted provided that it does not create or aggravate environmental, amenity, safety or traffic problems or adversely affects the character of the surrounding area.

Bassetlaw Local Plan Policy 8/3 states: Planning permission will be granted for development leading to the loss of playing fields only where:

- a) sport and recreation facilities can best be retained or enhanced through redevelopment of a small part of the site; or
- b) alternative recreational provision of equivalent community benefit is provided; or
- c) there is an excess of provision judged against the standard of 1.2 ha per 1,000 people recommended by the National Playing Fields Association.

Previous decisions of the Council concerning development of this site will need to be considered when making a decision in this case.

RELEVANT PLANNING HISTORY

December 2008 Planning permission was granted for a junction improvement to provide access to a major regeneration site.

October 2009 Planning permission was granted to retain the change of use of land for car sales, washing, valeting, storage and siting of 4 shipping containers for a temporary period of 18 months (part of site frontage)

RESPONSES OF STATUTORY BODIES

The NOTTINGHAMSHIRE COUNTY COUNCIL COMMUNITIES (HIGHWAYS) has no objection in principle subject to the imposition of conditions and appropriate Section 106 legal agreements, a copy of their comments in full follow this report.

The NOTTINGHAMSHIRE COUNTY COUNCIL COMMUNITIES (ARCHAEOLOGY) has no observations to make on the proposed development.

The ENVIRONMENT AGENCY has no objection subject to the imposition of conditions regarding surface water run-off.

NATURAL ENGLAND have no objection in principle to the proposed development and in order to ensure that all retained, enhanced and newly created habitats are managed and monitored and it will be essential for an Ecological Management Plan to be produced. A copy of their comments in full follow this report.

SEVERN TRENT WATER have no objection subject to the imposition of conditions.

NETWORK RAIL have no objections in principle subject to certain safety requirements.

SPORT ENGLAND have no objection provided it can be satisfied that there would be no loss of playing field area in terms of equivalent quantitative and quality and that appropriate conditions could be imposed which would ensure that there is no loss of playing field area. A copy of their comments in full follow this report.

The COUNCIL'S ENVIRONMENTAL HEALTH OFFICERS have raised no objections in relation to the air quality assessment, a full noise assessment would be required at the detailed application stage and subject to the imposition of conditions concerning contamination.

OTHER COMMENTS RECEIVED

SHIREOAKS PARISH COUNCIL -- no comments received.

RHODESIA PARISH COUNCIL -- no comments received.

NOTTINGHAMSHIRE WILDLIFE TRUST have no objections subject to the imposition of conditions concerning mitigation. A copy of their comments in full follow this report.

BRITISH WATERWAYS have offered advice in respect of drainage and transport, a copy of their comments in full follow this report.

CHESTERFIELD CANAL PARTNERSHIP have no objections in principle to the proposed development. A copy of their comments in full follow this report.

ONE LETTER OF OBJECTION has been received from a LOCAL RESIDENT, a copy of which follows this report.

ONE LETTER OF SUPPORT has been received from a LOCAL RESIDENT, a copy of which follows this report.

A LETTER OF SUPPORT from WORKSOP TOWN FOOTBALL CLUB has been received, a copy of which follows this report.

The APPLICANT'S AGENT has submitted various DOCUMENTS IN SUPPORT of the application including a PLANNING STATEMENT, a DESIGN AND ACCESS STATEMENT, an ENVIRONMENTAL STATEMENT, a ENVIRONMENTAL STATEMENT NON-TECHNICAL SUMMARY, a RETAIL CAPACITY ASSESSMENT, a WORKSOP TOWN CENTRE HEALTH CHECK, a SEQUENTIAL SITES ASSESSMENT an EMPLOYMENT LAND ASSESSMENT, an ECOLOGICAL SURVEY REPORT, a FLOOD RISK ASSESSMENT, an AIR QUALITY ASSESSMENT, a BASELINE NOISE ASSESSMENT, a TRANSPORT ASSESSMENT, a GEO-ENVIRONMENTAL ASSESSMENT, a TRAVEL PLAN FRAMEWORK, a GREAT CRESTED NEWT SURVEY REPORT, VARIOUS ADDENDUMS TO THE RETAIL CAPACITY ASSESSMENT AND AN ADDENDUM TO THE EMPLOYMENT LAND ASSESSMENT.

Copies of the above documents can be inspected in the Planning Services Department during normal office hours.

CONSIDERATION OF PLANNING ISSUES

The main issues to be considered when determining this application are the relevant planning policies concerning this development, the retail impact of the proposed supermarket on Worksop Town Centre, the regeneration benefits of the proposed development, the impact on road safety and traffic, ecological matters and mitigation, the impact on visual amenity and the amenity of local residents, the sport and recreation issue and the environmental issues set out in the Environmental Statement.

PLANNING POLICY CONSIDERATIONS:

In planning policy terms, the site is identified as Protected Employment Land in the Bassetlaw Local Plan and there is an existing planning permission for a junction improvement (new roundabout) to provide access to a major regeneration site. The site's close proximity to the A57 Worksop bypass and the wider strategic road network accords with the general aims of PPG4, PPG13 and the Local Plan employment policies. The principle of industrial development is acceptable in general terms and in broad terms, the principle of providing employment related development in Bassetlaw is supported, and is a priority for regional and sub-regional policies contained within the East Midlands Regional Plan.

The proposed development, however, relies upon enabling development to achieve the potential regeneration of the site, in particular, a food store, 2 restaurants, a hotel and a petrol filling station. These elements must be judged against Policy 22 of the East Midlands Regional Plan, PPS6 and the Town Centre policies of the Local Plan, which seek to protect the vitality and viability of the town centre in retail impact terms.

With regard to Employment Policy Issues, the key employment planning policies in relation to this application are Regional Plan Policies 3 (Distribution of New Development); 7 (Regeneration of the Northern Sub-area); 19 (Regional Priorities for Regeneration), 20 (Regional Priorities for Employment Land) and SRS 1 (Sub-Regional Development Priorities). Account must also be taken of the East Midlands Northern Sub-Region Employment Land Review and draft Planning Policy Statement 4: *Planning for Prosperous Economies*, which was published for consultation in May 2009. A date for its final publication has not been formally announced. As it is not yet formal Government policy, only limited weight may be given to it at present but it does set a direction of travel for future thinking in this area.

Regional Policy

The Regional Plan is clear in its aspiration to promote the regeneration of Worksop and to see it grow as a Sub-Regional centre, with an increasing focus on the town as a centre for housing, employment, retail and leisure. It also continues its focus on the priority re-use of previously developed land.

East Midlands Northern Sub-Region Employment Land Review (EMNELR)

The EMNELR considers a number of employment sites within the District and makes recommendations in relation to their continuing suitability as employment locations. The Sandy Lane Industrial estate is treated as a whole and is mid-range in terms of market attractiveness, but scores highly in sustainability terms. It is not recommended for release for other uses, particularly given the projected high levels of demand for employment land in the District over the next 15-20 years.

National Planning Policy

Draft PPS4 establishes a strong presumption in favour of economic development applications (essentially including all employment or wealth generating proposals), '*unless there is good reason to believe that the social, economic and/or environmental costs of development are likely to outweigh the benefits*'.

To summarise, in relation to the employment proposals for the site, regional and national policy, as well as more detailed local work, are fully supportive. At the present, with the exception of the former Vesuvius works and the former Dormer Tools site, the Sandy Lane area continues to function as an employment and industrial zone. Officers see no reason why this should not continue to be the case. A recent appeal decision in relation to a proposal for housing on the former Dormer Tools site sustained the Council's argument that housing was not a suitable standalone use for sites in this location.

That said, there must be an acknowledgement that a brownfield site of the size of the former Vesuvius works is unlikely to come forward for future employment use without some form of enabling development, which can really only be housing or retail. In the current market, the latter is arguably most likely to generate the funds necessary. In current circumstances, housing is unlikely to generate the funds required and, arguably, this area is not a suitable location for housing development.

With regard to Retail Policy Issues, the key retail planning policies in relation to this application are Regional Plan Policy 22: *Regional Priorities for Town Centres* and, more significantly, Planning Policy Statement 6: *Planning for Town Centres*. Some consideration must also be given to draft Planning Policy Statement 4: *Planning for Prosperous Economies*, which was published for consultation in May 2009. A date for its final publication has not been formally announced. As it is not yet formal Government policy, only limited weight may be given to it at present but it does set a direction of travel for future thinking in this area.

Regional Policy

Regional Plan Policy 22 focuses on the promotion of the vitality and viability of existing town centres and requests that PPS6 is followed in relation to the need to base any assessment of future retail development on an identified need for such. This being so,

PPS6 may be regarded as the key retail policy driver in the context of this application.

National Policy

PPS6 is clear in its key objective of promoting the '*vitality and viability of town centres*' (paragraph 1.3). It also has secondary objectives of enhancing consumer choice; supporting efficient, competitive and innovative retail, leisure, tourism and other sectors; and ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.

More fundamentally, PPS6 sets out a number of 'tests' that applicants for main town centre uses are required to pass in relation to their proposals. These require applicants to demonstrate that:

- there is a need for development (both quantitative (i.e. in terms of 'available' extra spend within the area) and qualitative (i.e. in terms of the retail offer in the area));
- the development is of an appropriate scale for the settlement;
- there are no more central sites in the settlement for the development;
- there are no unacceptable impacts on existing centres; and
- proposed locations are accessible.

PPS6 (3.28) also sets out material considerations that may be taken into account in assessing retail planning applications, including:

- physical regeneration;
- employment;
- economic growth; and,
- social inclusion.

Draft PPS4 removes the 'need' test for the determination of planning applications, replacing it with a more stringent town centre 'impact' test (although the 'need' assessment remains necessary for LDF development). It also includes a specific requirement to assess whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise the effect on climate change; and a policy that would require local planning authorities to proactively plan for consumer choice and promote competitive town centre environments, recognising the role of smaller shops and markets. The thrust of the document is still 'town centre first'.

Retail Considerations:

In March 2009 Martin Tonks of MT Town Planning was instructed by Bassetlaw District Council (BDC) to provide specialist advice on the supermarket retail aspect of this application, in line with his work for the Council on the Bassetlaw Retail Study. This led to a lengthy debate with the Applicant's own retail specialists over the different conclusions reached in relation to the PPS6 tests noted above. These are set out below. In summary, however, the discussions between the two parties have highlighted a fundamental disagreement over both the level of need for a new supermarket and the likely impact of such a development on Worksop town centre. The main issues in relation to the PPS6 'tests' are set out below.

Applicant's Retail Advice

The Applicant has provided the Council with their own detailed retail assessment work, using a methodological approach that differs in matters of detail from that of MT Town

Planning.

- Need

The Applicant has consistently contended that there is a need, in both quantitative and qualitative terms, for the retail development. In quantitative terms, the Applicant suggests that by 2014 this need will equate to some £37.15m 'spare' expenditure.

In relation to qualitative need, the Applicant has consistently argued that, given Worksop's designation in the Regional Plan as a Sub-Regional Centre, the retail offer is deficient in respect of the number of supermarkets available to local residents and the wider catchment.

The applicant has never demonstrated need for the restaurant or leisure floorspace that they are proposing.

- Scale

Given the Applicant's views on Need, they have concluded that a third supermarket of this scale would be an appropriate addition to the retail offer in a town the size of Worksop.

- Other sites

The Applicant has provided assessments of alternative sites and further comment on this issue is noted below.

- Town Centre Impact

The Applicant's work in this area has concluded that the impact on the town centre would be considerably less than that suggested by MT Town Planning. This is due chiefly to the Applicant's assertion that the new supermarket would draw more trade from the existing supermarkets in Worksop (namely Tesco and Sainsbury) than it would from non-supermarket food shops in the town centre. This is not an unreasonable assumption, particularly given that the Tesco store is currently overtrading (which may change once the new store has opened), although there is agreement that there will be some impact (around 8% in terms of lost spend) on town centre food stores. The Applicant's work shows that there will be minimal or no impact on non-food retailers in the town centre, in spite of ASDA (the supermarket retailer supporting the application) stocking a wide range of non-food lines.

- Access

The Applicant believes this to be a site that is readily accessible by a variety of modes of transport. This issue is addressed further below.

BDC Retail Advice

Advice to BDC has come from MT Town Planning and is derived in the main from the work undertaken on the Bassetlaw Retail Study, undertaken to support the Local Development Framework.

- Need

Advice provided to the Council has consistently maintained that the available evidence

shows that there is no quantitative need for new retail development of the scale and type proposed by this application. The Bassetlaw Retail Study concluded, in relation to Worksop, that

there is no immediate quantitative need for any significant additions to the convenience goods floorspace in Worksop. However, by 2016 there may be a quantitative need for 5,700 sq m (net) of additional town centre floorspace or a medium sized supermarket with a net convenience goods sales area of around 1,700sq m. And by 2021 there may be a need for 6,900 sq m (net) of town centre convenience goods floorspace or 2,100 sq m (net) of supermarket floorspace.

MT Town Planning has maintained this view throughout the discussions with the Applicant.

MT Town Planning has also maintained concerns about the need for increased non-food floorspace in the town centre, although there is a recognised deficiency in terms of fashion retailing.

In relation to qualitative need, MT Town Planning's view has been that Worksop is well served by the current Tesco and Sainsburys stores offer, as well as the town centre food retailers. There is, therefore, no qualitative need for a third supermarket in the town.

- Scale

Given the comments set out in relation to Need, MT Town Planning has concluded that a third supermarket of this scale would not be appropriate for a town the size of Worksop. The Applicant has also not demonstrated that a supermarket of a smaller scale could achieve the same aims (in terms of supporting redevelopment of the employment space) for the site.

- Other sites

Officers do not believe that, at this time, there are sites immediately available that would accommodate the supermarket proposals as they stand. MT Town Planning has also advised that:

Given the geographical imbalance of superstore provision in the north west of the urban area that this proposal would accentuate a case might be made for widening the search to see if any out-of-centre sites in the south and east of the town are sequentially preferable using the PPS6 criteria.

While this is a sound view, again, Officers are not aware of any immediately available sites at this time.

Notwithstanding these comments, in relation to the smaller elements of the scheme (namely the proposed standalone restaurant uses) there are arguably other sites available in the town centre that could accommodate such.

- Town Centre Impact

MT Town Planning has always been of the view that an out of centre supermarket of the scale proposed here would have a wholly negative impact on Worksop Town Centre, to the tune of some 25% on food retailers. These concerns are based upon the conclusion that another supermarket would draw a certain amount of trade from town centre stores and add to the critical mass of competing retail destinations on the western side of the urban

area. This would discourage trips into the town centre, as there will be more goods and services available in this out-of-centre location and thus fewer reasons to visit the town centre. Similarly, new retailers may be discouraged by the prospect of increased out-of-centre competition, with all of its perceived and real trading advantages, and less inclined, therefore, to invest in the town centre.

The fact that ASDA stocks a sizeable range of non-food lines, including its George clothing range, remains a concern given that this would be a further draw away from the town centre.

- Access

The site is, clearly, easily accessible by private car. It is, however, only passed by hourly bus services 7 and 7c during week days daytime, which become less frequent in the early evening and on Sundays. It is also some distance on foot from the town centre and the main residential areas of the town. It is, therefore, not felt to be accessible by a variety of transport modes.

SUMMARY OF RETAIL ISSUE

Given the likely shift in emphasis in Government policy set out within Draft PPS4, the issue of impact is, notwithstanding the discrepancies over the need for the proposal and concerns about site accessibility by means other than cars, arguably the most significant consideration in relation to the retail side of this application. In 'real world' terms, given the concerns about the viability and vitality of the town centre, this is also the most pressing issue. There remains a considerable difference of opinion between MT Town Planning's advice and the view of the Applicant in relation to this issue, which can be pinned down to the degree to which a new supermarket in an out of town location would draw trade chiefly from existing supermarket retailers or more widely from town centre retailers. Even if it is assumed that the latter is the case, there is the further consideration of how much impact in real terms is likely. Ultimately, this is a matter of judgement and needs to be weighed in the balance against the wider claimed benefits to the town from bringing this site forward, (which PPS6 permits consideration of in relation to out of centre developments), on the back of the proposed supermarket.

POTENTIAL REGENERATION BENEFITS:

The site comprises derelict, vacant, contaminated, previously developed land within the settlement envelope of Worksop, identified as part of a larger area of Protected Employment Land in the Bassetlaw Local Plan. The site is located in close proximity to the A57 Worksop bypass and has the benefit of an existing planning permission to construct a new roundabout at the junction of Shireoaks Road and Sandy Lane. Demolition of the existing buildings has already taken place, the site has been cleared and is relatively level ground and the site totals 17.75 hectares.

It is generally accepted that some form of "enabling development" would be required to bring forward the development of the site and its subsequent regeneration. Such enabling development could take a number of forms, however, in this instance the developer is proposing a 6,500m² retail supermarket as the key to a mixed use proposal comprising a hotel, restaurant floorspace, a petrol filling station, office units and industrial and warehouse units. The applicant's agent sets out in a letter dated 13 November, 2009, a copy of which follows this report, the basic components of their offer and the justification for the enabling development. They argue that because the site is large, contaminated and will require considerable infrastructure investment to enable its development this will require

the higher value land uses, such as the foodstore, restaurants and hotel to be built earlier, as part of a phased approach to the site's development, to reduce the advance commitment of funds for de-contamination and infrastructure.

The applicant's agent has suggested that the phasing of the proposed development can be secured by conditions framed as follows:-

- Details of the foodstore will be submitted within two years of permission
- Details of all other development will be submitted within eight years of permission
- All development will be commenced within two years of the approval of details
- The approved remediation will be carried out before the foodstore is opened
- Roundabout and south section of spine road will be built before the foodstore is opened
- Details of north section of spine road will be submitted before the foodstore is opened
- North section of spine road will be built within twelve months of approval of details
- Details of the community sports land will be submitted before the foodstore is opened including:
 - * Strategy and timescale for marketing the land
 - * Method of determining the suitability of occupiers
 - * Scheme to provide security of tenure to occupiers
 - * Default arrangement should no occupier be agreed

In addition, the developer is offering a lump sum payment, under the terms of the Integrated Transport Contribution, of £100,000 before commencement of or upon completion of the foodstore to be spent by Bassetlaw District Council on Integrated Transport Measures related to the site and its impact. The contribution would be controlled by Section 106 Legal Agreement, as set out in the applicants agent's letter dated 8th December 2009, a copy of which follows this report. The County Highway Authority have verbally indicated that they would have no objections to the proposed arrangement, which will be confirmed in writing.

The applicant's agent has submitted further supplementary advice to the Employment Land Assessment, as set out in a letter dated 27th November 2009 from DTZ, a copy of which follows this report. In the letter they consider the merits of a speculative build option of employment space near the site frontage versus the comprehensive remediation, servicing and construction of the main spine road into the proposed employment element of the site. The letter sets out the consideration of the over supply of commercial property, flexibility and delivery of policy objectives and concludes that rather than restrict the market a more sensible strategy would be to invest in remediation, servicing and access to the entire site delivering ultimate flexibility for the occupier market.

In general terms, the Council's Economic Development Unit would offer some support to the view that it may be more beneficial for the whole site to be remediated and serviced rather than to seek some form of speculative build based on current market conditions and trends.

HIGHWAY CONSIDERATIONS:

With regard to the impact on road safety and traffic, the outline planning application is supported by a Transport Assessment detailing existing highway conditions, transport policy, development proposals, traffic flows, site access and junction assessments. The proposed development would be undertaken in a phased manner, with the roundabout and southern section of the spine road to be built before the foodstore is opened and details of the northern section of the spine road would be submitted before the foodstore is opened and subsequently built within 12 months of approval of details. The new roundabout

already has the benefit of planning permission. The Integrated Transport Contribution would be secured by condition / Section 106 legal agreement at the approval of reserved matters stage or possibly upon completion of the foodstore. The County Highway Authority have raised no objection to the proposed development subject to the imposition of conditions/ legal agreement. As such, it is considered that the highways issues have been adequately addressed in the application and meet the policy requirements of PPG 13 and policies of the Bassetlaw Local Plan.

ECOLOGICAL CONSIDERATIONS:

With regard to ecological issues, in order to deliver a comprehensive re-development of the site there will inevitably be environmental impacts on the wildlife habitat and the Council will need to balance this impact against the potential employment opportunities that may arise from the development of the site. This is an increasingly significant issue and consultations with Natural England and Nottinghamshire Wildlife Trust have been undertaken to inform any recommendations made. Mitigation proposals form part of the planning application and the degree to which they can be seen as justifying the ecological impact has been carefully considered.

The applicant has undertaken various Ecological Survey Reports based on site investigations. Studies revealed the presence of slow worms, grass snakes and common lizard within the grassland area in the east of the site and from the railway embankment along the northern edge of the site. Smooth newt and common toad were also recorded within the site. The proposed mitigation measures include the translocation of the exceptional slow worm habitat from the eastern part of the site to the northern edge adjacent to the railway and the production of a site wide Ecological Management Plan and the implementation of a Construction Management Plan to protect retained habitats, to prevent pollution and ensure that works are undertaken in accordance with wildlife legislation. In addition the proposed drainage arrangements would provide opportunities to improve biodiversity, introduce features such as swales and ponds and other areas of incidental natural green space.

Both Natural England and Nottinghamshire Wildlife Trust have raised no objections to the proposed development, subject to the imposition of conditions to secure the proposed mitigation and appropriate Ecological Management Plans. It is considered that the proposed development includes sufficient ecological mitigation measures to address the ecological issue and satisfy the policy requirements of PPS9 and policies of the Bassetlaw Local Plan.

SPORT AND RECREATION CONSIDERATION:

With regard to the playing fields issue, the site contains former company playing fields comprising football pitches and a cricket pitch, which have been in use within the last 5 years. PPG17 and policies of the Bassetlaw Local Plan seek to resist the reduction or potential loss of playing fields except in certain exceptional circumstances. Sport England have concluded that they would not pursue a statutory objection to this development if it can be satisfied that there would be no loss of playing field area in terms of equivalent quantity and quality and that appropriate conditions could be imposed which would ensure that there is no loss of playing field area. The applicant's agent has identified an area of "safeguarded community sports land" of at least 1.5 hectares in size and suggested that its provision could be secured by condition to the effect that details of the community sports land would be submitted before the foodstore is opened.

The developer has been in discussions with Worksop Town Football Club and has funded research into partners and complimentary funding for a stadium for the club on land at the site. They have indicated that as a first option the land could be offered to Worksop Town Football Club involving a long lease at a peppercorn rent under the terms of the planning condition. The Football Club have written in support of the application which they feel offers them the best opportunity to deliver their aim of ensuring Worksop Town Football Club returns to its natural home. Their aim would be to secure a peppercorn 125 year lease on a site sufficient in size to accommodate a Grade "A" football facility.

It must be made clear that the proposal does not provide for a new stadium for Worksop Town Football Club but simply provides an option to make an area of land available to them on a long lease. It would be for Worksop Town Football Club to seek the necessary funding to pursue their ambitions.

The developer has suggested that a condition could provide a "fall back" position or a default arrangement whereby around 1.5 hectares of public playing fields would be laid out or alternatively an off-site contribution for playing field provision could be secured should Worksop Town Football Club not achieve their aspirations. It is considered that the playing field issue has been sufficiently addressed in terms of PPG 17 and policies of the Bassetlaw Local Plan.

AMENITY CONSIDERATIONS:

With regard to the potential impact on visual amenity, the site lies within an essentially industrial area, was previously developed and is identified as Protected Employment Land in the Bassetlaw Local Plan. The application site is relatively level and, as an outline planning application, the type, size, design and appearance of any buildings proposed is reserved for subsequent approval. The principle of industrial development on the site is generally acceptable and the form of any development would be controlled through the submission of further planning applications. With regard to the potential impact on residential amenity, the Council's Environmental Health Unit has raised no objections in principle to the proposed development. The site is Protected Employment Land and there are reasonable separation distances to the nearest residential properties. Other legislation exists to control potential noise disturbance or statutory noise nuisances.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Statement addresses a number of other issues including water /drainage /flood risk, contamination, archaeology, noise, air quality and ground conditions. The principal consultees in respect of these issues including the Environment Agency, Severn Trent Water, British Waterway, the County Archaeologist and the Councils Environmental Health Unit have raised no objections to the proposed development subject to the imposition of appropriate conditions. As such the proposal accords with PPG16, PPS 23, PPG24, PPS25 and policies of the Bassetlaw Local Plan.

CONCLUSION

As has been set out within this report, while there remains disagreement between the applicant and the Council's retail advisor over the likely scale of impact on town centre retailers from the retail aspects of this proposal, it is nonetheless agreed that there will be an impact. The key issue, to be carefully considered, is whether the impact on the town centre is outweighed by the potential regeneration benefits, and other associated factors, of the proposal.

In the view of Officers, the opportunity to regenerate the site for employment purposes must carry significant weight when balanced against the potential negative impact of the proposal. While a retail scheme is not the only potential approach to funding regeneration of the site, it is recognised, as this report makes clear, that some form of enabling development is required. In the current economic climate, retail development provides the most likely means of achieving this, while still ensuring that the majority of the floorspace on the site is given over to employment generating uses.

Officers have concluded, therefore, that although matters are finely balanced, given the benefits of achieving regeneration of the site, and providing that the mitigation measures proposed by the applicant, along with suitable conditions, can be secured, it is appropriate to recommend the granting of outline permission for this proposal, subject to the resolution of the outstanding issues.

It is clear, however, that the potential level of impact on the town centre remains a concern. Should Members feel, therefore, that the retail impact is too significant to outweigh any benefits proposed by the development, it is felt that the Council's retail advice remains robust and can be defended on Appeal.

It is RECOMMENDED therefore that if planning permission is to be granted for this application that the permission be subject to the developer entering into a legal agreement under the provision of Section 106 of the Town and Country Planning Act, 1990 to secure:-

1. An Integrated Transport Contribution of £100,000

RECOMMENDATION:

| | | |
|----|--|------|
| 1 | outline permission time limit | U01U |
| 2 | reserved matters condition | U02U |
| 3 | new roundabout and access road to be provided before foodstore opens | U03U |
| 4 | details of the phasing of the development and provision of the full spine road to be submitted | U04U |
| 5 | details of Travel Plan Framework and Transport Assessment/master plan to be submitted | U05U |
| 6 | floorspace limitations to be imposed | U06U |
| 7 | development to be carried out in accordance with elements of design and access statement | U07U |
| 8 | details of arrangements for providing community sports land to be submitted | U08U |
| 9 | detailed remediation scheme to be submitted | U09U |
| 10 | approved remediation scheme to be implemented across whole site | U01U |

| | | |
|----|---|------|
| 11 | no development until a scheme for provision and implementation of a surface water run-off limitation agreed | U02U |
| 12 | details of disposal of surface water and foul sewage to be submitted | U03U |
| 13 | no development within 5m of public sewer/watercourses | U04U |
| 14 | scheme to install oil and petrol interceptors to be agreed | U05U |
| 15 | scheme to install trapped gullies to be agreed | U06U |
| 16 | details of finished floor levels to be submitted | U07U |
| 17 | details of ecological mitigation measures to be agreed and implemented | U07U |
| 18 | submission of an Ecological Management Plan | U08U |