



Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner

Report Summary			
Application Number	21/02043/FULM		
Proposal	Erection of a new foodstore (Use Class E) and associated new access, parking, servicing, drainage, landscaping and highway works.		
Location	Land off Nottingham Road, Southwell		
Applicant	Sainsbury's Supermarkets Ltd	Agent	WSP – Andrew Astin
Web Link	21/02043/FULM Erection of a new foodstore (Use Class E) and associated new access, parking, servicing, drainage, landscaping and highway works Land Off Nottingham Road Southwell (newark-sherwooddc.gov.uk)		
Registered	22.09.2021	Target Date	21.12.2021
		Extension of Time Agreed	17.03.2023
Recommendation	Refuse as set out at Section 10.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation at the discretion of the Business Manager given the contentious nature of the application as a potential departure to the Development Plan.

Background

The delay in forming a recommendation on this application is due to enabling the applicant the opportunity of addressing various concerns raised by consultees on numerous occasions. This has demonstrated that the local planning authority has sought to work positively and as proactively as possible with the applicants as required by the NPPF and by the Town & Country Planning (Development Management Procedure) (England) Order 2015.

1.0 The Site

The application site comprises approximately 1.6ha of grassland/meadow land that currently forms part of the ownership of a dwelling known as 'The Wilderness' as well as extending beyond to include parts of the surrounding highway network given the proposed off site highway works. The site is located off Park Lane to the south of Southwell, and is bordered by Nottingham Road to the west, Park Lane to the north and east, and 'The Wilderness' itself to the south. This site itself has a plateau falling towards the north-east and is bound to the west and north by steeper slopes with the high point being 36mAOD falling to 34.5mAOD. Established mature hedgerows run along its northern, eastern and western boundaries and fencing divides the site from east to west.

The site is approximately 900m to the south-west of 'Southwell District Centre' and is also outside of the settlement boundary for Southwell both of which are defined by the Development Plan policies map.

Southwell Leisure Centre, a Skateboard Park and The Minster School lie to the north and north-east. Southwell Rugby Club lies to the east and south-east with its access off Park Lane.

The site was previously safeguarded in the Development Plan for the Southwell Bypass, however this has now been relinquished by Nottinghamshire County Council acting as Highway Authority.

Southwell Conservation Area is located approximately 75m to the north and there are no listed buildings in the immediate vicinity of the site. The site lies within an area of protected views (protected by Policy So/PV of the Allocations and Development Management DPD) for heritage assets including the Minster, Holy Trinity Church, Archbishop's Place and Thurgarton Hundred Workhouse.

The site lies within Flood Zone 1 according to the Environment Agency's flood maps.

Southwell Footpath 23 (not definitive) is noted as a constraint which runs eastwards from Park Lane, outside of the application site.

2.0 Relevant Planning History

Relating to the Entire Site

21/SCR/00006 – A Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was sought for 'Proposed Foodstore (of 1,685sq m GEA) and associated new access, highway works, drainage, car parking and landscaping' on Land off Park Lane in Southwell. A response was issued in July 2021 confirming that the proposal would not constitute a development that would have more than local significance and that an EIA would not be required.

PREAPM/00108/21 - Construction of new foodstore (1,685 sqm GEA) and associated new access, car parking and landscaping. Advice was given on the scope of the application and expectations for submission.

17/01240/FULM - Demolition of Existing Outbuildings and Erection of Stables, Gym and Gardeners Mess Room within the residential curtilage and associated change of use of adjacent field to paddock for the grazing and keeping of horses. Approved 12.10.2017

10/00666/FUL – Householder application for single storey rear extension, refused 30.07.2010 by reason of its excessive size in the context of the replacement dwelling and its harmful visual impact on the open countryside.

94/51683/AGR – Replacement animal shelter store, advised that planning application was not required 19.04.1994.

Relating to the southern part of the site:

14/01305/FUL – Resubmission: Construction of two dwellings and attenuation pond, refused 12.09.2014 on 3 (summarised) grounds;

- 1) unsustainable form of development in the countryside without special justification which would encroach and adversely impact the rural open landscape;
- 2) failed to secure provision of affordable housing as required by Core Policy 1; and
- 3) failed to protect the safeguarded line of the proposed Southwell Bypass.

13/00679/FUL - Construction of two dwellings and attenuation pond, refused 25.07.2013 for 3 summarised grounds:

- 1) unsustainable form of development in the countryside without special justification which would encroach and adversely impact the rural open landscape;
- 2) failed to secure provision of affordable housing as required by Core Policy 1; and
- 3) failed to protect the safeguarded line of the proposed Southwell Bypass.

Relating to the eastern part of the site (& to the south) known as 'The Wilderness' on Park Lane:

08/01605/FUL – Erection of dwelling (amended house type), approved 21.10.2008.

07/00717/FUL - To demolish existing 4 bedroom detached house replace with new 3 bedroom house with detached garage. Approved 27.09.2007.

03/00136/FUL – Proposed single person annexe, approved 24.03.2003.

98/51782/FUL - To demolish existing 4 bedroom detached house replace with new 3 bedroom house with detached garage. Approved 20.03.1998.

3.0 The Proposal

Full planning permission is sought for a new food store (Use Class E) together with associated supporting infrastructure.

The food store advanced by Sainsbury's is based on a new 'Neighbourhood Hub Store' model/format aimed at meeting the weekly shopping needs of its customers. Comprising a floor area of 1,685m² with a net sales area of 994m², the store would include an Argos click and collect service. The application states that it will be dedicated to the sale of convenience goods, providing only a limited complementary comparison offer. It will not include a café, pharmacy or fresh meat, deli, fish or bakery counters. Opening hours are proposed as being 07:00 until 22:00 Monday to Saturday and 10:00 until 16:00 on Sundays and Bank/Public Holidays.

This building would be located to the south-eastern part of the site and would involve some cutting into the ground.

Vehicular access would be taken from Park Lane which would be shared by both service delivery vehicles and customers. This access would ramp down into the site due to level changes. The service delivery yard would be located to the north of the store, adjacent to Park Lane. An electricity sub station and foul pumping station would also be in this vicinity.

Parking is proposed for 108 vehicles in total comprising 95 standard spaces, 5 for parent and child, 6 for the less mobile/disabled and 2 spaces for electrical vehicle charging points. Cycle parking would be provided to the front of the store.

The proposal includes off-site highway works with the application having been revised during the course of the application to address highway concerns. These works involve a footpath extension (on the western side of Nottingham Road) and new pedestrian crossing points on Park Lane and Nottingham Road along with highway improvements to the Park Lane/Nottingham Road junction which would allow for the inclusion of a pedestrian footpath on the north side of Park Lane. There are also proposals to extend the 30mph speed limit further down (south of) Nottingham Road. This would involve the relocation of the 30 and 50 mph speed signs and the 'Southwell Historic Minster Town' sign. In addition, given the limited existing width of Park Lane, it is proposed to widen the carriageway to 6.5m up to the eastern approach of the access to be achieved through utilising some of the land at the northern edge of the site.

Off-site drainage works would also take place to realign Park Lane Dumble to facilitate the widening of the carriageway. A new box culvert would be installed under the site entrance and the existing culverts under the Park Lane carriageway would also need to be extended which would be subject to separate Land Drainage Consent applications. Foul drainage is now proposed to be dealt with by a 204m length piped connection to the public sewer to the east/south extending along Park Lane.

The scheme would involve the direct loss of trees and hedgerows along the northern boundary to accommodate the access. It would appear that landscape/tree clearance works would also be required to form the visibility splay out of Park Lane/Nottingham Road albeit these are not explicitly shown within the application submission.

Submission documents are listed in the Informative (no.1) towards the end of this report.

4.0 Departure/Public Advertisement Procedure

Occupiers of 59 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press expiring on 21st October 2021 given it constitutes a major development and is a departure from the Development Plan. Further rounds of public consultation have been undertaken upon the submission of the revised plans, including re-advertisements. Initial site visit undertaken in September 2021 with further visits since, last one in February 2023.

5.0 Planning Policy Framework

Southwell Neighbourhood Plan (2016)

SD1 (Delivering Sustainable Development)
E1 (Flood Risk Assessments and Mitigation)
E2 (Flood Resilient Design)
E3 (Green Infrastructure and Biodiveristy)
E4 (Public Rights of Way and Wildlife Corridors)
CF3 (Primary Shopping Frontage and District Centre)
DH1 (Sense of Place)
DH2 (Public Realm)
DH3 (Historic Environment)
TA1 (Cycle and Pedestrian Routes)
TA2 (Public Transport Connectivity)
TA3 (Highways Impact)
TA4 (Parking Standards)
HE4 (Economic Development)
Appendix 1 (Southwell Design Guide)

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 5 – Delivering the Strategy
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 8 – Retail & Town Centres
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
SoAP1 – Role and Setting of Southwell

Allocations & Development Management DPD

So/DC/1 – South District Centre
So/PV – Southwell Protected Views
DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM11 – Retail and Town Centre Uses
DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021
Planning Practice Guidance
National Design Guide
SPD: Landscape and Character Appraisal
Southwell Conservation Appraisal 2006
NCC Developer Contributions Strategy
ODPM 06/2005 Government Circular: Biodiversity and Geological Conservation

6.0 Consultations

Southwell Town Council (host parish) – Object by a majority to re-consultations (05.08.2022, 17.03.2022 and 09.12.2021) as follows:

1. *“Need Do we need it? Southwell has a population of only 7500 and we already have a similar sized supermarket (the Coop) [sic] near the centre of town and five other convenience stores in various well suited locations. Whilst it is an often-repeated comment that the Coop [sic] supermarket could be a lot better, this is not a justifiable reason for building a second similar store in the town. In addition, there is the Saturday market, the Saturday specialty market in the WI Hall and visiting fish suppliers on Wednesday Thursday and Friday and Saturday There are also two high quality butchers and two bakers in the town and there is also going to be an increasing percentage of online shopping from the out-of-town suppliers. This proposed store is therefore likely to have a substantial negative impact on the footfall in the central shopping area and this will have a consequent effect on the vibrancy and the strength of the existing shopping scene, and as this is part of the heart of Southwell, it needs to be protected.*
- 2 *Recent Planning History In recent history, there have been two applications covering this land (in 2013 and 2014) and both were for two houses with flood attenuation. They were both rejected for the following reasons a) It is not on allocated land and is outside of the town envelope and therefore in what is classified as open countryside. As a result, it does Not Need to be developed and indeed there has to be a very strong community justification to build on land which is in the open countryside. Such a community justification would be a school, or a medical centre and a commercial*

building does not constitute such a special justification there are alternative locations
b) *The proposal would have resulted in encroachment on the open countryside thus adversely impacting on the rural landscape In 2017 the SHLAA (Strategic Housing Land Availability Assessment) land assessment deemed that the site was unsuitable for development, and nothing has changed since then.*

3 *Position The proposed site is on the southern edge of town, and it is therefore not convenient for pedestrian access from much of the town on the other side of the centre. We anticipate that the vast majority of visits will be by car and therefore contrary to maintaining policies regarding climate change and a reduction in car usage. Further the site is on what is the most important gateway into the town with a protected view from the Brackenhurst area. Gateway sites are recognised as very important in maintaining the ambience and historical context of the town. At a recent appeal on a housing site at the gateway entrance on Lower Kirklington Rd, the inspector made it very clear that the transition zones into this historic town have to be very carefully protected. Positioning a supermarket in this very sensitive transition area with the extra traffic, commercial use, light, and large intrusive signs will have a serious negative impact on this most important of Gateways. The application Contravenes Local and National Planning Policies and is for a commercial building which would lie outside the Urban Boundary as defined in the NSDC Allocations DPD and the Southwell Neighbourhood Plan. To allow the application would be to set an unfortunate precedent. The site was deemed unsuitable for housing and retail in the 2017 SHLAA as it was contrary to NSDC Policies SP3 and DM8 and because part of the site was subject to flooding. The hedge on the north side of the site is designated as important landscape vegetation in both the NSDC Allocations DPD and the Southwell NP. The application proposes removal of this hedge. Southwell NP Design guide states Wherever possible buffer strips, landscape screening, amenity, ecologically and historically valuable vegetation (including hedges and trees) must be retained on and adjoining development. Core strategy Policy So/AP1 states Protect and enhance the retail offer of the town by designating a town centre boundary and primary shopping frontages and encouraging retail and other town centre uses within it. Southwell NP policy DH1 states All new developments, in terms of scale, mass and overall mix of use, should reinforce the Town Centre for commercial and retail use, and not seek to create alternative centres.*

4. *Highways, Access and Road Safety This junction on Nottingham Rd is complex in that within 50 metres there are the junction's with Halloughton Rd, Park Lane and very soon the access to the Reach/ Springfield bungalow site which is soon to be constructed. Not in the immediate vicinity but still close are the entrance to the Becketts Field Development and the Minster School which creates high traffic density at peak times Constructing a safe junction here with the requirements of pedestrians crossing to the food store is going to be difficult given that Nottingham Road is very busy and is renowned for speeding traffic both in and out of the town (this has been proven by recent several operations by the Speedwatch Group, which showed speeds of up to 47 mph). It is unlikely that a simple crossing will be sufficient, particularly as many of the users will be elderly (possibly slow) and some will be in wheelchairs and mobility scooters. In addition, there will certainly be mothers with prams pushchairs or buggies. It should be noted that the swept path analyses of delivery vehicles show them blocking*

Park Lane as they enter and exit the site. It is not clear what would happen if there were cars trying to enter or exit Park Lane in the opposite direction at the same time. Moreover, when exiting the site and turning to the south, the lorries have to cross over to the opposite side of the road before regaining the correct side. With traffic speeding down the hill from Brackenhurst, irrespective of the speed limit, this is likely to be a serious safety matter. Traffic Volumes The publication Building Sustainable Transport into New Developments (DfT 2008) defines walking Neighbourhoods as having a range of facilities within 10 minutes walking distance (800m). Above 800m it is evidenced that people are likely to use their cars rather than walk. That would be especially true if carrying shopping. The 800m Isocrone from the proposed store entrance extends to Sacrista Prebend on Westgate to the east and to Trinity Road on Westgate to the west. It includes Halloughton Road, Becketts Field, Hillside Drive, some of Lowes Wong and Dunham Close but nowhere beyond that. This is at odds with paragraph 4.3 of the transport assessment which suggests that the site is well located to encourage journeys to be undertaken on foot. It also contradicts evidence in the following paragraphs. Not only that but plan 4 suggests a walking catchment from up to 2km away. Given the demograph of Southwell and the need to carry heavy shopping this seems most unlikely

Exiting from the store (even with the proposed splays) will be difficult because of the bend in the road creating limited views towards the town. This difficulty will be exacerbated by the speed of vehicles leaving town and will also make the problem of HGV lorries leaving the site very difficult. In addition to the above there is also going to be an increase in traffic from the eastern side of town, Fiskerton and Morton and most of this will travel along Crink Lane to access the store. Crink lane is a very narrow (occasionally one car wide) winding road with high hedges and any significant increase in traffic will certainly reduce the safety of other users. It should be noted that this is a very popular route for walkers with their children and dogs as well as equestrian users. It is also used by tractors and agricultural machinery

5 Flooding

The proposed site is subject to flooding and contributes to the problems in Nottingham Road which has flooded six times since the July 2013 event. This flooding is sufficiently severe at times to cause the road to be closed to traffic. This area is crucial in intercepting the water coming into the town from the surrounding hills and affords a natural and large capacity for surface water storage. This will be partially lost if the plan to build goes ahead, since the Sainsburys proposal is to install a 600 cubic metre tank under the car park as an attenuation pond. This pond has been designed to cope with the rain falling on the car park and site alone and does not take into account the water arriving from the surrounding fields as mentioned above.

The council have grave concerns about the efficacy of both permeable block paving and permavoid storage over time. Moss grows in the joints between block pavers increasing run off rates to the extent that the surface may no longer be considered permeable in heavy rain. Permavoid storage can silt up, thus reducing capacity. I also have concerns about the calculations for surface water run off. The final page of Appendix C of the Flood Risk Assessment (Storage Calculation) uses the run-off from the hard surfaces only and uses run-off co-efficients of 0.75 (summer) and 0.84 (winter).

The Wallingford Modified Rational Method allows for only hard surfaces to be used. However, it states that for heavy soils (as we have here) the run-off coefficient used should be 90%. An alternative method is given in Sewers for Adoption v7. This requires the run-off from hard surfaces to be calculated at a rate of 100% if soft surfaces are not considered. Thus, run off flows appear to have been underestimated. The council is also concerned with the proposed plan for the treatment of sewage. The nearest foul sewer is around 120 metres distant from their site, so they have proposed to install an onsite sewage treatment plant. It is not entirely clear how this will behave and treat the sewage in extreme storm situations or indeed what measurements will be in place to cope with failure of the plant. Will we be seeing raw sewage in the Potwell Dyke?"

Halloughton Parish (adjacent parish) – 21 votes in support and 10 votes against with 0 abstentions.

Halam Parish Council – (20.10.2022) Do not support. Although Southwell needs another supermarket this is not the site for it. (15.03.2022) – Does not support in current form. We support the idea in principle but the location is unacceptable mainly on road safety grounds and erosion of countryside. We would like to see retail development on brownfield sites (e.g. Former council depot on Fiskerton Road or a more commercial area such as Crew Lane Industrial Estate. (15.10.2021) Support the application in principle, comments made were ‘no objection to extra facilities, is this the right site? There are brownfield sites around Southwell that could be used’.

Rolleston Parish Council (adjacent parish) – Support (3 v 1 and then 3 v 2 on amended plans). Comments that the principle of the application is supported but there are concerns raised in terms of siting, access and loss of undeveloped countryside, all of which we assume will be addressed by reference to those local to the proposed development.

Fiskerton Parish (adjacent parish) – all 5 councilors abstained as they did not feel in a position to comment as it falls outside of their area.

Bleasby Parish Council – (12.10.2022) Object due to increased light pollution and traffic, intrusion into the countryside and there are a number of major supermarkets within a 10 mile radius therefore the proposed store is unnecessary. Previously objected to original and amended plans due to the impact on the local environment, further erosion of the countryside, increase in traffic, impact on highways safety, effect on bridlepaths and detrimental effect on businesses in Southwell.

Kirklington Parish Council - Support in principle albeit there are concerns around accessibility, congestion and visibility at the junctions and general highway safety/traffic concerns and look to Highways for their views on this.

Edingley Parish Council – (19.10.2022) Object due to traffic issues, effect on local businesses and question the need for a food store. Previously objected as this is not the right site, erosion of countryside, brownfield would be preferred, road safety concerns due to volume of traffic.

Southwell Civic Society – (10.10.2022) Objection maintained.

(25.05.2022) – In response to photo montages attempting to illustrate what the junction would look like at Nottingham Road/Park Lane SCS express concern at loss of hedgerows to accommodate the highway visibility splay which they feel would adversely affect the setting of the conservation area and the transition from rural landscape to the urban area.

‘Very strongly object’ (on both original and amended plans) on the (summarised) grounds of:

- Impact on the most important gateway to Southwell – site completely unsuitable and applicants have misunderstood the nature and the town, the development would irreversibly alter the character and identity of the town;
- Contrary to national, district and local level planning policies and the Southwell Neighbourhood Plan;
- Highway safety – lives are at stake – amendments simply reverse the ludicrous idea of speed humps which is against policy on bus route. Its an admission of actual traffic speeds are very dangerous.
- Environmental Impact
- Flood Risk
- Unverifiable data in the retail statement
- Concern is also expressed regarding the impact on ecology
- Amendments have made no material difference. The proposed location of the crossing and the positioning has created another danger as visibility from the Park Lane side of Nottingham Road is severely restricted so getting across safely would be difficult.

Full/detailed comments are available to view online.

NCC Highways Authority – Comments received 03.02.2023 (the 8th set of comments) and lift previous objections/concerns raised on 21.10.2022, 01.09.2022, 15.07.2022, 06.05.2022, 15.03.2022, 20.12.2021 and 15.10.2021) subject to the following:

- Section 106 Obligation to secure methodology for pre and post occupation traffic surveys on Halloughton Road, triggers for mitigation and a mitigation package of £40k towards it, plus £7.5k to allow for travel plan monitoring.
- Five planning conditions (in the interests of highway safety) and informatives:
 1. Construction Environmental Management Plan to ensure appropriate mitigation is in place during the construction phase;
 2. Off-site highway works are undertaken prior to store being first brought into use;
 3. The provision of the visibility splay to be provided and thereafter kept free from obstructions greater than 600mm in height;
 4. Delivery management plan to be submitted and agreed;
 5. A Travel Plan to be submitted within 6 months of store opening to promote sustainable modes of transport etc.

Full comments are available online.

Environment Agency – (06.01.2023) Objection withdrawn now the applicant has confirmed they will connect to the mains drainage. Previously commented on 7 occasions (10.11.2022, 18.10.2022, 07.10.2022, 06.09.2022, 04.08.2022, 25.07.2022 and 12.07.2022)

Severn Trent Water - No comments to make in respect of the proposals (noting foul is via a package treatment plant) but suggest a note to applicant relating to connecting to the public sewers. No further comments have been received since the scheme drainage connection was amended.

NCC Policy/Developer Contributions –

Raise no concerns in terms of mineral safeguarding but indicate a waste audit would be useful. They initially raised ‘that it is fair to assume there could be substantial harm to heritage significance of CA from highway works until proven otherwise.’ Further comments have been invited in response to amendments and having chased for a response they have declined to provide any further comments.

Transport and Travel Services (TTS) request the following:

- Bus stop contribution with clear preference for a pair of new bus stops adjacent to the site on Nottingham Road. However they are satisfied that the northbound bus stop is to be upgraded and a new southbound stop is to be installed (costed at £118,580k) to be secured by s.106 agreement.

- Community Transport contribution of £5,000 to be secured by a s.106 legal agreement.

NCC Lead Flood Authority – No objection. ‘Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions...’ A condition is then recommended which requires the submission of a detailed drainage scheme based on the principles of their submitted strategy be submitted.

Natural England – Do not wish to make comments on this application and refer to their published standing advice.

Trent Valley Internal Drainage Board – Generic comments including confirmation that the site is outside of the Board’s district but within their catchment and there are no Board maintained watercourses in close proximity to the site.

Archaeological Advisor (October and June 2022) - No objection. An archaeological evaluation has been undertaken revealing that features of an indeterminate date are concentrated in the south-west corner of the site whilst the rest of the site is relatively blank. It appears that prior to the medieval earthworks, the site was largely waterlogged in the northern half, but dryer on the raised ground to the south. As the proposed plans will result in the total loss of the archaeological features, it is recommended that a small excavation be undertaken in mitigation which can be undertaken post-consent if granted but prior to any construction works being undertaken. Conditions to secure this are recommended.

NSDC Conservation – No objection. Conservation colleagues have provided detailed advice and concluded that the proposed development will not harm the setting of Southwell CA, nor harm the setting of any listed building. No harm will be caused to any other heritage asset. The proposal therefore accords with the objective of preservation required under s66 and s72 of the Listed Building and Conservation Areas Act. They require clarification of the roofing materials, and would otherwise encourage minimising the impact of all highway and street

furniture clutter within and adjoining the site. They are content that these issues could be conditioned. They also expressed that the feature brick wall at the entrance should be reduced in height, which the applicant has amended in response.

NSDC Policy – Detailed comments available to view on file. In summary no objection offered subject to officers being satisfied that other remaining matters of importance and the detail of the scheme is acceptable.

NSDC Environmental Health – (05.10.2021) - In summary no objections are raised in respect of the external lighting assessment or the submitted noise assessments, albeit it is advised that remodeling of the noise assessment would be required should there be any changes to the location, changes in sound pressure levels or the number of the 4 building service plant which can be secured by condition. The calibration certificates for noise assessments were confirmed as satisfactory.

There is no objection to the proposed delivery times of 5am to 10pm; if it became an issue once operational it could be considered against statutory noise nuisance legislation.

A number of conditions are recommended in respect of the construction phase of the development including the preparation of a Construction Method Statement, restriction to hours of construction and deliveries, limiting piling/vibration rollers use to exclude weekends and measures to control dust.

NSDC Tree and Landscape Officer – (February 2023) – Full comments available to view on website. Summary/Conclusion: ‘In my professional judgement, the application will significantly change the character of the area, urbanising the rural landscape and have a negative impact on the amenity and character of Southwell. In the reports and designs that I have been provided with, I have found conflicting information and there are areas that require further clarification. This application needs careful consideration regarding the impact it has on the environment and how it will change the area visually.’

(November 2022) - Detailed comments can be viewed on file. In summary:

Overall conclusion is that the impacts of the scheme have been underestimated and the proposal would result in the loss of important groups of trees/woodland worthy of tree preservation order, a negative impact on visual amenity, character and biodiversity of the town of Southwell and potential destruction of ancient woodland.

Previous Tree Consultant comments:

(07.03.2022) Still has some concerns over changes in site levels that may adversely affect soil hydrology adjacent to retained trees and therefore be detrimental to rooting environment. Drainage of the site is unclear. If approval is granted recommend a number of conditions including arboricultural method statement and scheme for tree protection, further details of proposed landscaping and timing for implementation, prohibiting harmful activities near trees during construction.

(24.09.2021) Comments that the tree protection is unspecified and that indicative soft landscaping is broadly acceptable but full specifications will require finalization. Conditions are recommended in the event of an approval to require an arboricultural method statement

and scheme for protection, to prohibit certain activities near to trees, to require full landscape details and its timely implementation.

Southwell Flood Forum – Summarised comments:

(17.03.2022) Neighbourhood Plan is in the process of being reviewed and we are particularly concerned that the wide impact on flood risk is thoroughly scrutinised during planning applications and every opportunity used to proactively reduce it – not just 'not increase'. We would expect the developers to take into account the extensive Flood Report produced by URS in 2015. They should also be encouraged to run their development through the flood model – we had always been led to understand this was one of the uses of the flood model. In conclusion we consider that the planning authorities should consider the "strategic importance of other material considerations" by scrutinising the wider impact of this development on flood risk. If the development is to be accepted, then the opportunity to decrease the risk of flooding off-site on Park Lane and Nottingham Road as we mention in our submission sent to you in October 2021 should be considered and appropriate conditions added to any approval. This would add to the potential community benefit that this development could bring and would go some way to outweighing the inconsistency with the Development Plan.

(05.10.2021) Comment that they believe this site represents a golden opportunity to mitigate surface water run off onto Park Lane and Nottingham Road from the upper catchment and urge the authorities to scrutinize the application. This area has flooded raising safety issues and resulting the road being closed. They then go on to raise a number of areas that they believe require special attention and requesting clarity.

Southwell Rugby Club (27.07.2022 & 26.09.2022)

- Concerns over road safety of users of the rugby club and Park Lane;
- Club has 100 space car park which is regularly filled and has potential to generate similar levels of traffic during its opening hours to Sainsburys based on car spaces;
- Road is single width and potential for substantial congestion as club traffic and opening hours clash;
- The application (D&A Statement) is incorrect as rugby club access is shown as a locked field gate when the main access is 100 yards or so further south;
- Transport Assessment disregards the existence of the rugby club and volumes of traffic generated by it. Concerned the report is therefore misleading and inaccurate. This has been raised with Vectos and NCC Highways;
- Both the Brackenhurst Campus and Rugby Club are growing and expanding, there is concern that Park Lane is at capacity and that the traffic generated appears to have been disregarded;
- Concerns for safety of existing pedestrians using Park Lane (students from Brackenhurst and rugby club members) from vehicles which will increase if the development is granted;
- General assumption that Park Lane carries little or no traffic is incorrect;
- Around 3 years ago discussions began between Rugby Club, NSDC and NCC regarding increased pedestrian flows down Park Lane to the Leisure Centre from Brackenhurst on unlit narrow lane where there had been near misses. This was placed on hold due

to Covid but discussions are opening up again. If this development is allowed this conflict along southern section of Park Lane will increase significantly. Also likely that Crink Lane which feeds into Park Lane to the south would become more used by vehicles as shoppers from east and north avoid the town centre;

- The club seeks a review of the vehicular and highway assessments to take into the account these high volumes of traffic on the grounds of highway safety.
- The Club also seeks an explanation as to how the risk to pedestrians walking down from Brackenhurst which has been identified by NCC as of concern and the club can be reduced in circumstances where the volumes of vehicular traffic are highly likely to substantially materially increase if the development is allowed.
- The applicant's submission in respect of foul drainage is incorrect - there is a public sewer in close proximity to the site that has been overlooked;
- The club is willing to enter into discussions with developers over gaining to the sewer that runs over the club land;
- Cost of making the connection is not material and should be disregarded;
- The ditch to where the package treatment would discharge runs dry for much of the year so would leave impurities within the ditch.

The Thoroton Society (Nottinghamshire's History and Archaeology Society) – Object (each time) (in summary) to the placing of a supermarket on a greenfield site leading into the very special historic country town of Southwell which is grossly inappropriate.

Representations have been received from 142 local residents/interested parties; 89 in support, 48 objections and 5 neutral/observations. Multiple representations have been received from a number of these interested parties. Given the volume and complexity of the comments these are heavily summarised below. Full comments can be viewed via the council's website.

SUPPORT:

- Another supermarket is urgently needed to support the town;
- It will stimulate growth, bring jobs to Southwell and significant social and economic benefits;
- It will improve the vitality and viability of the town;
- It will improve town amenities and be a valuable addition;
- It will increase consumer competition and provide alternative to allow residents to shop in the town rather than go further afield;
- Co-op overtrades, has a monopoly and is very expensive;
- Will assist residents who can't travel easily;
- The town can easily support one more medium sized store;
- Residents will save money and time on travelling to out of town supermarkets;
- This will be useful especially as current shortages means people are travelling elsewhere to get their supplies;
- Do not envisage any traffic problems as many residents travel this way to do their out of town shopping;
- As for traffic the speed limit should be enforced – permission should not be refused because of speeding;

- A shop on this side of Southwell will offer another option and make it easier for people to shop;
- Reassuring that the building is energy efficient;
- This will bring Southwell into 21st century – why should it have only one supermarket considering the housing growth in last 20 years;
- Amenities growth hasn't aligned with housing growth;
- Flooding would be decreased;
- People will travel to this and may avoid bad traffic around Newark;
- Drop off's to the Minster School would be greatly improved with the bigger junction;
- Site can be serviced from Lowdham island – will not involve large vehicles negotiating the mini island, Church Street and other narrow junctions in the town;
- The proposed store is surrounded by trees and hedgerows so wouldn't be visible;
- Sainsbury's offer a great choice of product and is an ethical employer;
- Argos collect point will be useful for residents and avoid them travelling elsewhere;
- Supporter submitted photographs of empty shelves in fresh grocery aisle (unclear where) suggesting they were taken at 5.30pm as evidence of need for another supermarket;
- The ability to be greener and less reliant on regular car travel;
- Better options for those less able to travel;
- Positives outweigh the negatives;
- Would be complementary rather than damaging;
- Unreasonable for residents of Southwell to have to undertake 40min round trip to do food shop;
- Sainsburys alone should decide if the store is viable;
- No concerns with the impact on character – it would be located near the leisure centre, modern retirement housing, skate park and three storey modern school building which are hardly the embodiment of Southwell's charm and character;
- Crewe Lane site suggested by some as better isn't, would put pressure on Church Street;
- With appropriate design the traffic will be slowed which often travels too fast anyway;
- This will not harm the view of the minster;
- Debatable whether this site is within the open countryside
- Brackenhurst has seen considerable amount of new buildings which is on skyline and in view for miles, yet Sainsburys would benefit the town could be refused;
- The site is not elevated as claimed by some;
- The Park Lane/Nottingham Road junction is currently quite dangerous and the new visibility splay will make it safer and enhance the entrance to the town;
- Surprised to read in the local newspaper the comments made by Southwell Town Council; it is not a fair reflection of the community's views. STC are stuck in their ways and younger generation would welcome this store.

OBJECT:

Principle/Location/Sustainability

- No policy support for this proposal – contrary to the development plan;
- Council required by law to refuse unless it can identify material considerations to justify a departure from the Development Plan
- It would be premature to allow this when Council in process of plan review;

- Ad hoc decisions inappropriate vehicle for making planning decisions;
- If a new supermarket is 'needed' it should be progressed through the local plan process not through a speculative planning application;
- Development is unnecessary - plan review draft integrated impact assessment does not identify any need for further supermarket provision in Southwell;
- Will set a harmful precedent;
- Out of town in open countryside;
- Wholly detached from the settlement boundary;
- This is the wrong site for this development;
- The site is not immediately adjacent to the built-up area;
- Previous planning applications on this site (13/00679 and 14/01305) for much less obtrusive development were refused because they encroached into the rural landscape;
- Material considerations do not outweigh that the development is contrary to the development plan;
- From sustainability point of view giving permission to store that will stock products from all over the world is not sensible;
- No substantive evidence to support assertion that the proposed store would support more sustainable patterns of shopping in the catchment. Many of the letters in support of the proposal come from residents of villages beyond Southwell suggesting that the proposal would, in fact, drive unsustainable patterns of shopping by pulling people away from stores nearer to where they live;
- No proposal to allocate for retail or amend the boundary.

Retail Considerations

- The application fails to substantiate Sequential Test issues;
- This is the edge of town, quite a walk for most residents and most likely to attract drivers;
- The need for an additional food store is not proven and, even if it were, this is not the most appropriate or sustainable location;
- The site may be within walking distance of local residents but few would walk with shopping bags;
- It may well be true that it is cheaper to upgrade Park Lane than Crew Lane, but this application overlooks that Crew Lane has an arm to the north of the BP petrol station and behind that which is already double carriageway width, thereby reducing the amount of road widening that would be required. The applicant has not demonstrated that it would not be viable to develop on the Crew Lane site, which would be much more in conformity with the local development plan. Crew Lane Close would not need to be affected. It is accepted that the bus stops are more remote, but as already noted bus is not a likely means of travel to this store;
- Crew Lane dismissed based on cost is untenable;
- Applicant and existing Co-op serve similar demographic so the offer is no better;
- Question if there is a need for this supermarket when there are lots of independents, the Co-op and access to online deliveries;
- Planning and retail statement is inaccurate, flawed and based largely on unsubstantiated assumptions;

- Why was internet shopping was excluded from the retail assessment without justification?;
- Proposal will potentially damage thriving small local businesses within the town which add to towns unique character and attractiveness to visitors;
- It is assumed that if permission is granted, Sainsburys would be willing to accept a condition to the effect that the store cannot have a café or sell pharmaceutical products, fresh meat, delicatessen products, fish or bakery products. If permission is to be granted such a condition should be imposed in order to maintain the objectives of the local plan, i.e. to protect the vibrancy and health of the existing town centre. There is a justified planning reason for the imposition of such a condition as it forms the premise of the application;
- No reliable evidence is provided for the claimed economic and social benefits - 133 respondents to the community survey represent a tiny minority of town's population;
- There is already plenty of consumer choice, provided by a full range of retail outlets plus online shopping deliveries from most of the major supermarkets including Sainsbury;
- There is no evidence that the scheme would stem 'trade leakage' nor that car mileage and emissions would be reduced. Because of the distance from the town centre virtually all shoppers would use a car - hence the 109 car parking spaces proposed;
- The covid pandemic has highlighted the importance of online shopping;
- If the proposal is to offer more consumer choice it must compete with local shops especially the Co-op which is in the town centre and close to Southwell's primary shopping frontage. It would therefore have a significant adverse impact on the vitality and viability of the town centre. Contravenes policy SOAP1 and DH1 which requires all new developments to 'reinforce the town centre for commercial and retail use, and not seek to create alternative centres';
- The claim that the scheme would 'help to draw trade back to Southwell' is unsubstantiated and its 'propensity to link back into the town centre' is extremely unlikely given its distance from that centre, in contrast to the current situation where the co-op provides many 3 hour free parking places and a safe, short walk into the town centre;
- The Co-op is required to allow 3 hours of free parking, which facilitates people making this linkage. There is no proposal by the applicant to offer such a facility and the location of the proposed store in the open countryside is such that it is not likely that there will be such linkage to the town centre;
- If Sainsburys will draw custom away from the co-op it will reduce the number of people available to make linked trips and so harm the existing viability, vibrancy and sustainability of the town centre;
- Disingenuous to say the spend will stay in the town as it will not;
- No mention made to free bus from Waitrose in Newark to Southwell;
- Considerations advanced in support of the proposal are weak being limited a small range of economic benefits, which accrue mainly to central Government rather than to the town. In any case, they are offset by the applicant's conclusion of a £78,000 annual loss to Southwell town centre's turnover. They of very limited weight and are unable to offset the proposal's conflict with the adopted development plan;
- This will affect small shops, they will end up closing because they can't compete on price, especially with an Argos;

- Sainsbury's aims to be a one stop destination. People will get everything from there and ignore the high street and would change footfall;
- They are just adding to the competition which they would gain from due to scales of production.
- A 15-to-20-minute journey to Newark or Colwick cannot sensibly be regarded as a long distance, even supposing that the introduction of an additional supermarket in Southwell would stop such journeys. Given the size of the store proposed, people will still travel to larger supermarkets for big shopping trips and to access their supermarket brand of choice;
- The Sequential Test should include the underused parking area associated with the leisure centre, the former highways site on Fiskerton Road and the Town Council car park on church street;
- The fact that there has been no attempt to allocate for this need in any of the council's strategic plans is a further indication that there is no pressing demand, or "need" for it. Otherwise, acting responsibly, the council would have sought to meet this need through an appropriately sited allocation (the vacant allocations on Crew Lane industrial estate, for example) rather than leaving it to speculative planning applications;
- Concern about the conclusions that can be drawn from the applicant's retail statement. The surveys undertaken were not refined enough to understand why linked trips (between Co-op and town centre) are undertaken so no detailed conclusions can be drawn;
- Concern at level of trade diversion from the town centre will have major adverse impacts;
- There is strong evidence that Southwell is very successful at retaining main weekly food shop within the catchment which reflects positively on the current retail offer, contrary to that suggested;
- The term overtrading should not be confused with being a better performing store, overtrading suggests that the business cannot be supported by the market , funds or resources available;
- Suggestion that diverted trade will suddenly revert to Sainsburys is fanciful as current out of town retail offers are fundamentally different;
- Planning and Retail statement claims to demonstrate a market capacity should not be conflated with need for the development, as they aren't the same thing.

Traffic/Highway

- It would introduce significant new traffic hazards;
- The junctions of Park Lane and Halloughton Road with Nottingham Road are already dangerous (have restricted visibility) and would be made worse by development;
- Particularly concerned by the Halloughton Road /Westgate junction. Visibility is poor, the 'No Right Turn' is inadequately signed and there is no enforcement, resulting in it being almost totally ignored. There is no footpath so that pedestrians are at a considerable risk;
- Junction is not fit for regular HGV movements even if widened;
- Park Lane free long stay car park is used heavily for Minster School as drop off/collection and peak times. If the road becomes gridlocked it would (and has) cause(d) bedlam and block(ed) Nottingham Road;

- Park Lane/Crink Lane is a narrow rural lane, albeit one that is quite heavily used at certain times (the beginning and ending of the school day, sports events and training – especially at weekends and in the evenings);
- Pedestrian access is inadequate and will prohibit access by any other means other than by car, not sustainable;
- Proposed access is inadequate and would be safety risk with visibility poor;
- Shoppers from much of the town would avoid the one-way system by driving via Allenby Road and Westgate, then cut through Halloughton Road to avoid congestion by Holy Trinity School and the Westgate/Nottingham Road junction;
- Existing highway network has restrictions for vehicles in excess of 7.5t along Nottingham Road, forcing large HGV's through the town;
- Has the potential to generate more vehicle trips than claimed, including the number of trips made by delivery vehicles from various locations/collections;
- Accident data from NCC Highways and the Police should be fully considered;
- Number of car journeys will not be reduced, merely diverted and those journeys are likely to be more polluting because the cars will not have the chance properly to warm up their engines;
- If this is truly a sustainable application, then there is no need to provide car parking spaces - most people will drive that is why 109 car parking spaces are proposed;
- No clear route for delivery routes;
- Would object if deliveries go through Thurgarton;
- Concern that Crink Lane (single track narrow country lane) would be used as cut through to access Sainsburys and make its hazardous to road users;
- Proposed additions (speed humps/sleeping policeman) add to the danger of the road as drivers would not realise they were there when approaching from Brackenhurst Hill;
- The Park Lane/ Nottingham Road was not designed to be other than a junction between a little-used narrow country lane and the main artery between Southwell and Nottingham;
- Despite its downgrading from the A612, the Nottingham Road remains a principal road and the bus route between the town and Nottingham. Bus passengers would be very vulnerable as they rose from their seats to alight at the bus stop situated opposite the school, leisure centre and elderly persons' accommodation complex. Similarly, people using the bus stop adjacent to the leisure centre would encounter these issues;
- Concern regarding the safety of children who attend rugby (and the away teams who wont be familiar with the road layouts);
- Even without ludicrous idea of speed bumps on a bus route the scheme will still pose highway safety concerns;
- Concern that NCC Highways removed their objection on 15.07.2022 predicated on urbanization of this rural gateway;
- Obvious that NCC Highways still have reservations;
- Difficult to believe Vectos were unaware of possibility of traffic using Halloughton Road as a shortcut;
- 'No right turn' restriction to Halloughton Road – Vectos should be aware this was introduced for safety reasons;
- No confidence that any conditions could be enforced;

- Concerned regarding highway safety as school adjacent is larger than average secondary school with 1600 pupils;
- Only 18 job seekers in the town so employees would presumably travel by car.
- Bus stops close to the site cannot be constructed due to levels and general topography and the fall back stops at the Leisure Centre cannot be extended as it will require third party land and partial removal of ancient hedgerow which is required to be retained as a condition of Becketts Field planning consent. So bus stops are a non starter. This is the wrong site.
- A new pavement to link Leisure Centre/school with Park Lane along Nottingham Road is essential for pedestrian safety (but which itself would block visibility on existing the junction);
- There is complete pavement on other side of the road pedestrians have to cross close to the bend which is not safe. Concerned that school children/pensioners wouldn't cross and walk along the verge which is unsafe and would block visibility.

Visual/Character/Heritage/Natural Environment

- The proposal would destroy the most important gateway to one of the nation's most important and historic country towns;
- There is an appeal precedent for this relating to the the allocated So/Ho/5 where Inspector found there to be harm resulting from associated highway works;
- The entrance to the countryside for walkers, would be destroyed;
- Images relating to the junction are not shown accurately from Park Lane turning towards Southwell;
- Neon signs would be a blight;
- General highway signs (e.g. to warn to speed restrictions) would visually clutter the area and change the character of the area (a matter found at fault in appeals at Lower Kirklington Road, Southwell);
- No recognition of the impact this proposal would have on Southwell's unique character and landscape setting. This is defined as much by the town's rural edges, farmland and topography as by its listed heritage assets and Conservation Areas. The proposal contravenes NSDC Core Strategy policies DM 5.4 and SoAP1;
- The protected view of the town will be compromised from Brackenhurst Hill and on approach into the town. The photomontages submitted are low down the hill with the hedges in full flower and are not representative of any visual screening present;
- It is overbearing, will illuminate the night sky by virtue of light escaping through the store roof and from car park lamp standards;
- Design is uninspiring and mundane;
- Elevated position of the site means it would be readily visible from undulating road into the town;
- Field still shows the ridge and furrow from mediaeval farming so archaeological potential is likely and is of importance;
- Important dumble would be compromised due to changes proposed at entrance to Park Lane;
- Design makes no reference to complement or enhance Georgian architecture of the town;
- Adversely affect the natural environment;

- The proposal involves the removal of mature hedges designated 'important landscape vegetation' in the neighbourhood plan thus contravening the design guide on natural features. Policies ss2 and ss3 for adjacent sites required the existing landscape screening to be retained. The proposal also fails to meet the design guide requirement for an 8 metre buffer strip between development and hedges;
- Loss of trees without appropriate replacement planting;
- Nothing in the Sainsbury's rebuttal of the Tree and Landscape Officer's comments that fundamentally changes the position;
- Consultant hasn't tried very hard to track the history of the site and locality perhaps as it wouldn't help their case;
- Never been any commercial development in this locality with site being agricultural, classic ridge and furrow;
- Scheme would irreparably damage the local landscape.

Flood Risk/Drainage

- It would increase flooding risk;
- Evidence of surface water flooding on Park Lane and the Southwell flood maps identify the site at risk of flooding in a 1 in 30 year event. If Nottingham Road is flooded there would be no access to the site;
- The area is at high risk of flooding, therefore the proposal contravenes NSDC Core Strategy policy DM 5.9 which 'aims to steer development away from areas at highest risk of flooding';
- Concern that it may put Park Cottage at increased risk of flash flooding: Park Lane was flash flooded in 2013. There is concern that with development that has taken place since and the large amounts of hard surfaces for rainwater to run-off there only place for it to go is Potwell Dyke which is adjacent to existing residential dwelling;
- Proposal includes site sewage treated and then discharged to the Potwell Dyke which is repulsive and unnecessary especially when there is combined sewer nearby;
- Developer should be connecting to the public sewer;
- Cost of connection and ownership of land is not a material planning consideration and should be disregarded.

Amenity

- The site is at edge of densely populated area and will increase noise, light and air pollution and the opening hours are not appropriate for residential areas.

Other

- Concerns and frustration that the application is taking so long;
- No obligation on the LPA to allow continual amendments, this is unfair to general public and waste of public time and resource;
- EA email of 24.11.22 makes it clear applicant has been less than honest in their costings, which isn't material in any case;
- Appears the applicant wishes to amend the scheme and that previous comments are ignored and that they are hoping that the policy objections can be diluted to such an extent that the application is supported. It is hoped this won't influence the process;
- Applicants own public consultation was flawed and respondents are tiny proportion of the population;

- Facebook advert is bias requesting support for the project;
- Already advertising the store;
- Lobbying has encouraged anti-co-op sentiment;
- No measures to reduce embodied carbon associated with the proposed development - no EV charging points are proposed;
- The development hasn't been advertised properly as a departure from the local plan
- It hasn't been demonstrated as being sustainable;
- There will be temporary construction jobs but no additional jobs in the supply chain;
- This store will divert expenditure not create new expenditure and there will be no gross added value to the economy;
- No confidence objections will be considered;
- It should be an Aldi or Lidl;
- Applicants have not served proper notice on landowners;
- The factors cited as material considerations in support of the proposal are weak, at best, and certainly not capable of outweighing the fundamental conflicts of the proposal with planning policy and the proposal's degrading impact upon the character and appearance of the area;
- Urge Members to obtain specialist legal advice on the recommendation to allow members to safely proceed;
- Concerned that public comments have been unnecessarily redated.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The application site is located outside of the urban boundary for Southwell as defined by the Development Plan and so consequently in planning terms is located within the Open Countryside. Together, Spatial Policy 3 (Rural Areas) and Policy DM8 (Development in the Countryside) provide a strict approach to development in such locations, and the proposal is inconsistent with the circumstances (a number of exceptions) under which those policies would provide support for development. As a result the proposal is contrary to the Spatial Strategy set through the Development Plan, and so there will need to be other material considerations that are capable of outweighing this conflict to warrant permission being granted.

It is noted that the 'made' Southwell Neighbourhood Plan is currently under review. My understanding is that it does not plan any retail allocation as part of it and given it is at a relatively early stage (before any first consultation draft) then the review would not have any

material weight in the determination of this proposal. Likewise the Allocations and Development Management Plan DPD is also undergoing a review but equally there are no changes proposed that would alter the consideration and/or recommendation that I reach.

The impacts and merits of the scheme are discussed below. Key issues I have identified include retail impacts, the impacts on the character and appearance of the area, landscape and trees, design and heritage, highway safety, parking and sustainability, flood risk and drainage, ecology, residential amenity and economic and other benefits of the scheme. These impacts and benefits will then be weighed in the planning balance in order to offer a conclusion and recommendation.

Retail Impacts

Policy and Wider Context

Both Core Policy 8 and Policy DM11 seek to support a network of vital and viable centres across the District. Mirroring national policy, they promote a 'Town Centre first' approach via the Sequential Test, and require the assessment of impact for retail proposals, outside of defined centres, which exceed a locally set threshold of 350m² gross. Core Policy 8 sets the clear expectation that the Council will work with partners to ensure that the needs for retail development are met in full. Ensuring that, taking account of commitments as of 1st April 2016, sufficient provision has been made to meet forecast convenience and comparison retail capacity within the District up to 2033.

In the Settlement Hierarchy of Spatial Policy 2, Southwell is defined as a 'Service Centre' where its role is to act as a focus for service provision to a large local population and rural hinterland. This is further reflected in the designation of the Town Centre as a 'District Centre' through Core Policy 8, which outlines that the centre is primarily used for convenience shopping with some comparison shopping and also provides a range of other services for the settlement and surrounding communities. The Centre-specific actions in SoAP1 supplement the above, as does Policy CF3 in the Neighbourhood Plan.

Colleagues in Planning Policy have helpfully set out a wider context (set out below) before I go on to consider the sequential and impact tests as necessary. The reference within Core Policy 8 to 'meeting the needs for retail development in full' has its roots in paragraph 23 of the 2012 National Planning Policy Framework. This was the version of the Framework which the Amended Core Strategy was assessed against, under the transitional arrangements in place at that time. This content has been effectively carried over to the current Framework – although a horizon of ten years is now set rather than the plan period as a whole. This requires planning policies to allocate a range of suitable sites in Town Centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.

The Council's evidence base for retail development needs is provided by the Town Centre & Retail Study undertaken by Carter Jonas in 2016. Quantitative capacity for new retail floorspace is broadly derived from the forecast growth in population and expenditure, after making an allowance for new commitments, and the increased 'productivity' (or 'efficiency')

of all existing and new floorspace. Under certain conditions, capacity can also occur where there is a clear identified 'imbalance' (or 'over trading') between the turnover of existing facilities at the base year (2016 for the Study), and the total available expenditure in the defined study/catchment area.

Projecting forwards, the Study identified extremely limited retail floorspace capacity during the early-medium phase of the Plan Period (up to 2026). District-wide, no capacity was shown for new convenience goods floorspace up to 2021, with capacity increasing to 926m² net by 2026, 1,963m² net by 2031 and up to 2,367m² by 2033. The capacity that did exist was mainly explained by the forecast growth in population over the plan period, as the average forecast growth in expenditure was considered to be limited. An alternative scenario was also modelled, whereby the residual expenditure capacity was taken up by a supermarket and/or deep discount retailer rather than a 'superstore' operator. This alternative scenario involved operators trading at lower average sales levels, and, as a result showed capacity to increase to 1,653m² by 2026 and 4,227m² (net) by 2033.

Helpfully, the Study also provided an individual capacity split for the main centres (see Figure 1 below), which showed capacity for 206m² of superstore format floorspace in Southwell by 2033. This scale of capacity would be broadly consistent with that able to sustain a small convenience store format (such as, Tesco Express or Sainsbury's Local), or possibly an extension to an existing store. Though it should be noted that any forecast capacity the Study identified for a specific centre/area does not necessarily mean that all the retail floorspace can and/or should be provided within that centre *per se*.

Figure 1

Table 11.2 Convenience Goods Capacity (Superstore-Format Floorspace) – Main centres and stores

	2021	2026	2031	2033
NEWARK URBAN AREA	-606	180	938	1,235
EDWINSTOWE	28	41	53	57
RAINWORTH	31	48	64	71
OLLERTON	147	210	269	293
SOUTHWELL	102	149	192	206
ALL LOCAL CENTRES	90	218	338	384
ALL OTHER OUT-OF-CENTRE FLOORSPACE	47	79	109	122
TOTAL DISTRICT-WIDE CONVENIENCE GOODS CAPACITY	-160	926	1,963	2,367

Source: Tables 4-10, Appendix 12

It is understood that this localised forecast capacity was again the result of population growth, rather than to average available expenditure. 'Overtrading' can result where the turnover of existing store/stores significantly exceeds benchmark turnovers. In some instances, this may reflect a qualitative indicator of need (resulting from a poor range of existing facilities, limited choice of stores and lack of new floorspace) which then informs quantitative need considerations. Alternatively, it can also occur where there is an imbalance between demand (i.e. available spend) and supply (i.e. floorspace capacity). The centre audits carried out for the Study did not show any strong indication of overtrading in the main town centres or free-standing stores in the judgement of the consultants. Possible signs which were looked for, included pedestrian and car park congestion, long queues at checkouts, congestion in aisles. However, Officers reading of the Study is that, given the District-wide scope, it did not

consider turnover of existing individual stores against company benchmarks etc. So it would not have identified possible 'overtrading' from this source, unless this had then manifested itself in the range of indicators mentioned above.

It was through the production of the Allocations & Development Management DPD that the District Centre, local retail designations for Southwell were defined and site allocations considered. Through the Options Report consultation (October 2011) the former Rainbows site on The Burgage was identified as a preferred site for mixed use (So/MU/1 in the consultation), comprising of small-scale office development and retail. As part of the consultation the site was also identified as an alternative housing site (So/AS/4). The preferred approach reflected the small level of convenience retail capacity forecast for the Centre, and would have resulted in the Development Plan identifying a means through which this could be satisfied within the Plan Period. Through the response to the consultation, it was however clear that the local preference was for the use of the site solely for housing. Notably the Town Council, Civic Society and local District Council Members all made submissions to this effect. Consequently, the allocation of the Rainbows site purely for housing was considered by the Council and duly reflected in the subsequent allocation of the site.

The implication of this change was however, that it left no formal plan-led approach to addressing local convenience retail needs in Southwell with the matter being left to the market to resolve through appropriate windfall development. This struck a reasonable approach, given the modest convenience capacity forecasts and the rapid expansion in the smaller convenience formats of the main retailers at the time. It should also be noted that the DPD was ultimately found sound.

Having looked through our monitoring data, Planning Policy colleagues confirm no completions have provided additional convenience retail floorspace in Southwell during the plan period, and neither is there any extant committed floorspace which would do so. Therefore, the local forecast capacity of 102m² at 2021 (206m² by 2033) remains unfulfilled.

Retail Advice

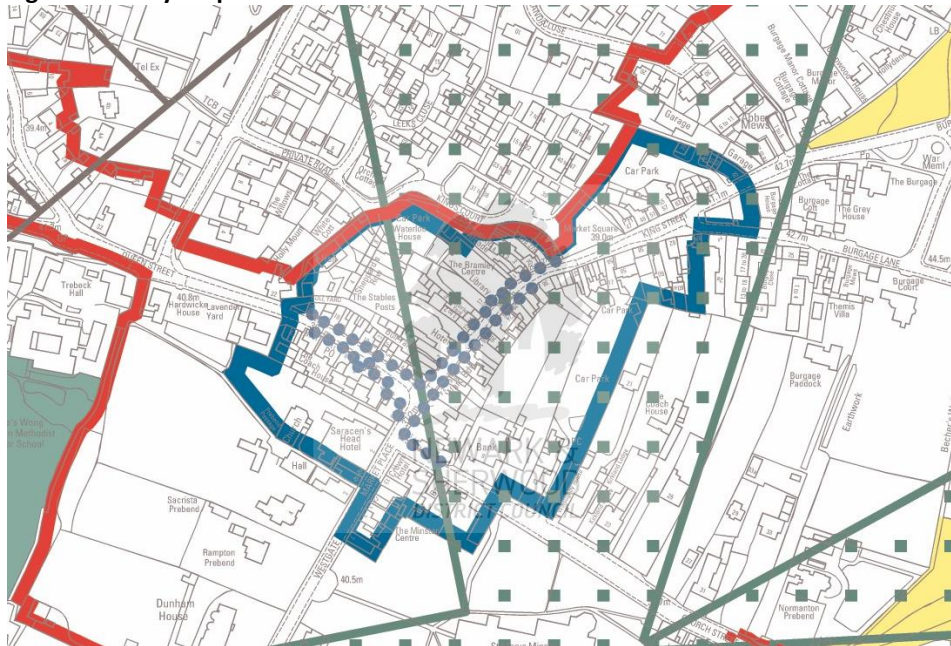
Retail planning is a specialist field and as a Council we have therefore sought independent advice to ensure that the submission is appropriately scrutinised. This focused on an examination of the robustness and accuracy of the applicant's Retail Statement and includes a critical appraisal of the Sequential Assessment and Retail Impact Assessment. This retail advice is attached as Appendix A. In summary the advice is that '...the applicants conclusion that the proposed development will not have a significant impact on the town centre, is a reasonable conclusion given the analysis of the survey results and the robustness of the retail modelling methodology employed and we consider both the impact test and the sequential test to have been passed.' These issues are explored in more detail below.

Sequential Test

Southwell, as 'Service Centre' has a defined local centre edged in blue on the policy extract below. Given the application site is not located within the defined centre, taking the NPPF definition, the application site must be considered 'out of town' in retail planning terms. The

closest point of the application site to the Primary Shopping Frontage (represented by the blue dots on the extract below) is some 780m as the crow flies and approximately 900m walking distance. In pure retail planning terms, whether a site is located within or outside a defined urban area is irrelevant.

Figure 2: Policy Map Extract



Core Policy 8 and Policy DM11 reflect the sequential approach to main town centre uses set out in the NPPF. This requires main town centre uses (retail is one of these) to be located first in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Both applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The NPPG sets out guidance on how the sequential test should be used in decision making. It is expected that this is proportionate and appropriate for the proposal with the following considerations being taken into account:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 86 of the NPPF, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account. It goes on to say that compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision.

The Council's appointed retail consultant has reviewed the applicant's retail submission and concluded that they have demonstrated sufficient flexibility by widening the parameters to include sites 25% smaller than the physical requirements of the proposed store. I concur with the view that the limited comparison offer and Argos click and collect service would be ancillary to the main convenience retail purpose so Officers are not of the view that disaggregation would be appropriate here. Following engagement with the District Council, the applicant has assessed 5 potential alternative sites (more detail is provided at Appendix B) as below, the last of which was considered upon request, at a later date.

- The Hearty Goodfellow Public House, Church Street;
- Land to the East of Crew Lane (allocation SO/E/2);
- Land to the South of Crew Lane (allocation SO/E/3);
- Land at Crew Lane/Fiskerton Road;
- Land West of Allenbury Road.

The applicant concludes that for varying reasons (such as sites are too small, too limited and too constrained to accommodate the proposed foodstore - even allowing for suitable flexibility of the format - and/or are located further away from the town centre than the application site) none of the alternative sites considered are sequentially preferable to the application site. Whilst some of the sites are comparable in distance terms to the District Centre, they are not better connected. In line with national and local planning policy, if there are no sequentially preferable locations (having regard to the criteria I have set out) then the sequential test is passed.

Our retail planning advisor concurs with the applicant's conclusions, that there are no sequentially preferable sites and I see no reason to depart from this view. Clearly some of the land considered at Crew Lane currently sits within the Urban Boundary and is allocated for employment development and so in general planning policy terms could be preferable. However, the retail planning input we have received is clear on this matter and in considering 'edge of' and 'out-of-centre' sites the Sequential Test is focused on availability, accessibility and connection to the town centre. This reflects the stated intention of national policy to support the viability and vitality of town centres by placing them foremost in both plan-making and decision-taking.

Impact Test

The applicant has submitted a Retail Impact Assessment (RIA) in support of their application. This evidence base looks in much more detail at the local area and retail picture in and around Southwell compared to the Council commissioned 2016 Carter Jonas retail study which was a higher level study.

The retail advice provided to the Authority has concluded that the RIA (which includes supporting information such as a health check of Southwell District Centre and telephone surveys etc) and the design of and judgements used in the RIA have satisfactorily addressed the requirements of national and local policy.

The conclusions reached by our retail planning consultant is that the proposed foodstore of 994 m² is of a size appropriate to serve the day-to-day and weekly shopping needs of a small local catchment. The table below aims to assist Members in putting the proposed store size into context.

Store and Location	Net Sales Area
Proposed Sainsburys	994m ²
Co-op Southwell	929m ²
Aldi, Newark	998m ²
Lidl, Balderton	1,424m ²
Asda, Newark	5,715m ²

The scale of the proposed foodstore is consistent with the size and function of a District Centre in the hierarchy of centres and reflects the role that Southwell itself plays as a Service Centre with a large local population and rural hinterland. The proposal intends to meet convenience retail needs and whilst there would be a small comparison element and an Argos click and collect service, these are ancillary and of limited consequence in impact terms and capable of being controlled through an appropriate condition.

Through the Health Check the applicant has concluded the District Centre to be in good health, with a very low vacancy rate, with a good range of comparison shopping and benefitting from a strong representation of independent retailers. As set out within our retail planning advice, these findings generally concur with that from the 2016 Carter Jonas study which determined the Centre to be vital and viable with a good retail range, high quality environment and low vacancy rates. This picture is further repeated in the 2020 Retail and Town Centre Uses Monitoring Report – which demonstrates (as of 31st March 2020) a vacancy rate of 2.38% across the District Centre as a whole and 0% within the smaller Primary Shopping Frontage. For the period of 2021-2022 there were 5 vacant units (3.79%) within the District Centre, only 1 of which was in the Primary Shopping Frontage (1.85%) indicative of a very healthy centre.

The RIA includes an assessment of local shopping patterns that is based on the results of a household telephone survey. We are advised that this approach to establishing market shares is highly robust, and no issues have been raised over the design of the RIA or the judgements and assumptions applied within it. It is clear through the RIA that the increase in the pool of available expenditure in the survey area will be derived solely from population growth, with only £1.77m of expenditure growth anticipated over the period to 2026. The advice we have received again deems this to have been robustly calculated. This small pool of additional expenditure would translate to a minor quantum of floorspace capacity; approximately 146m² on the basis of Sainbury's sales density, and notably would be broadly consistent with the picture painted in the 2016 Carter Jonas study for the Council.

However, the RIA does indicate a high level of leakage from Zone 3 (where Southwell is located). The market share information indicates that existing stores in Southwell are 'overtrading' by a considerable margin. The Council's retail planning advice concurs with the applicant's findings that the current trading performance of the existing convenience provision and the high levels of leakage identified, point to a qualitative and a quantitative deficiency in the existing retail provision, demonstrating significant pent-up demand which translates to a need for additional floorspace – with the result that convenience needs are not being met in Southwell.

The advice we have received is that projected turnover figures (based on sales density figures derived from Global Data 2020 (£12,240 per m²) are up-to-date and robust. The trade draw assumptions for the store appear to generally reflect the existing trade draw pattern of the Co-op and so are considered plausible and informed by actual store performance rather than assumption. This primary evidence has been used to establish anticipated trade diversion figures and is also considered robust.

Residual trading performance of existing retail provision is shown to remain above benchmarks under a post-scheme scenario indicating there is sufficient capacity available to withstand the level of forecast impact. The long established retail planning principle is that 'like affects like' – as reflected at Paragraph: 015 (Reference ID: 2b-015-2019072) of the Town Centre and Retail section in the Planning Practice Guidance. As a guiding principle, impact should be assessed on a like-for-like basis in respect of that particular sector, and retail uses tend to compete with their most comparable competitive facilities. We are therefore advised that it seems credible the largest impact will fall on the Co-op (19.1% (representing a trade diversion of £2.31m)). This impact appears high but would still result in the store trading at 8% above the benchmark and we are advised that this should be sufficient to sustain the viability of the store.

This is an important consideration, as Officers do not agree with the stance taken by the applicant over the Co-op not receiving policy protection due to being outside of the District Centre. The store is less than 300m walking distance from the focus of retailing and only 175m as the crow flies, and so is 'edge-of-centre' in policy terms. The applicant's survey results show the store to generate a high-level of linked-trips to the Town Centre which will benefit its vitality and viability. 62% of Co-op shoppers visit the Town Centre when undertaking their main shopping trip to the store, which is significant. As a result, and Officers agree with our retail planning advice here, the store clearly shores up in-centre retailers and forms part of the overall town centre offer. Accordingly, the impact on the Co-op should be a material consideration when assessing the impact on the town centre as a whole.

In considering the potential for loss of linked trips, our retail planning advice details the application site to be well connected to the town centre (by bus, foot and bicycle) and whilst in an out-of-centre location, it is within reasonable walking distance of the town centre. The Co-op, whilst edge-of-centre, is not particularly well-connected with a route that lacks clear legibility albeit its closer proximity means that the potential for linked-trips is greater than the application site. Nevertheless, linked trips will still be possible between the application site and Town Centre- even though these may occur to a lesser degree. Indeed, our retail planning advice suggests that the net reduction in linked trips will be off-set by the significant potential for claw back of leaked expenditure which is projected to be of such volume that a net

increase in linked shopping is possible, which would ultimately benefit the vitality and viability of Southwell District Centre in the long-run. The potential benefits for Southwell from improving trade retention would be more pronounced if the proposal was located on a more sequential preferable site, however this depends on such land being available and as outlined above I consider that the Sequential Test has been passed.

The convenience retail picture in the town is one where there is a lack of choice and competition in the local area, with the evidence showing that people are travelling further afield to undertake main food shopping at larger foodstores. Added to the 'overtrading' of the Co-op the applicant's survey findings indicate that there is scope to improve the sustainability of shopping patterns in the catchment. Again, following the principle of like-affecting-like, and in-line with the advice we have received, people currently shopping at the range of small independent convenience stores in Southwell are unlikely to alter their shopping habits. The applicant's assessment does not appear to totally address the presence of Southwell market which runs every Saturday, and has a more limited offer on a Wednesday and Friday – alongside occasional specialist markets. Whilst following the 'like for like' principle, being mindful of the type of offer represented by the market and the overall health of the centre, Officers do not consider that any impact is likely to tip into significant adverse here.

There is no existing, committed or planned public or private investment in the District Centre, and our retail planning advice concludes that the proposal will not have a significant adverse impact on the Centre. Based on this advice, I conclude that the proposal passes the impact test. However in the event of an approval, measures to control the make-up of the retail offer would be needed to ensure that the stated aim of filling a local gap in main food grocery provision is realised whilst protecting the viability and vitality of the District Centre. These measures, in the form of planning conditions, would seek to identify the broad range of product types that will form part of the store's offer, control the size and scale of the Argos Click & Collect and restrict the proportion of floorspace for comparison goods to ensure that the type of goods are limited to those normally found within a store of this type. In-line with the case presented by the applicant, conditions would also be needed to prevent the inclusion of a café, pharmacy, and fresh counters for meat, deli, fish and bakery items.

Impact on Highway Safety (including Parking and Sustainability)

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive accesses for all and provide links to the network of footways etcetera to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected. Policy TA3 seeks to ensure that highway impacts caused by development are mitigated stating that contributions will be sought from the developer to mitigate these effects.

This scheme has been the subject of ongoing negotiations with regards to highway impacts throughout the application process resulting in various amendments and formal comments from NCC Highways Authority (HA) on 8 different occasions. Various off-site highway works have been advanced as part of the application process to mitigate impacts, including the use of speed cushions on Nottingham Road and zebra crossings which were not considered

appropriate and have been removed from the scheme. The final scheme now involves a footpath extension (on the western side of Nottingham Road) and new pedestrian crossing points on Park Lane and Nottingham Road along with widening the carriageway at the junction of Park Lane/Nottingham Road to 6.5m utilizing some of the land at the northern edge of the site which would allow for the inclusion of a pedestrian footpath on the northern side of Park Lane. There are also proposals to extend the 30mph speed limit further down (south of) Nottingham Road.

There have been numerous technical issues that have arisen during the application process such as requiring agreement to be reached between the highway technical experts on representative trip rates and traffic flows which have knock on impacts on matters such as junction capacity assessments and parking ratios.

Initially the submission lacked speed surveys relating to the junction of Nottingham Road which were required to ascertain appropriate visibility splays, which have now been undertaken. Members may have noted that there have been issues with the verification of the speed surveys. The Highways Authority (HA) raised concern with the results given the findings of the Highway Officer's indicative speed surveys appeared to suggest vehicles were travelling at over 40mph which didn't tally with those the applicant submitted. This initially led to the proposed visibility splays to the north of the junction not being accepted by the HA. In order to resolve this, the HA suggested that a further speed survey should be carried out independently with the applicant's consultants present along with a highway representative. Ultimately it was agreed that VIA (who operate highway services for NCC) would carry out a fresh survey to mutually agreed methodology. These have resulted in 85thile speeds in line with those submitted by the applicant. The apparent reason for the difference between the speeds submitted by the applicant and the indicative speeds measured by the HA were confirmed by the independent survey team who observed vehicles accelerating beyond the point of measurement towards the junction. The acceptance of the speed surveys resulted in the visibility splay to the north being accepted, subject to it being cleared of obstructions and retained in perpetuity.

However additional information was submitted (sections and level information) which made clear that the required visibility splays (at the site entrance) were obstructed (by the headwall of the culvert and that it may have required fencing for safety reasons (also within the splay) and consequently the HA reinstated their objection. This objection has now been lifted following the submission of revised plans.

It should be noted that the HA have taken a pragmatic view regarding the footways. For example ideally a footway along Nottingham Road linking the Minster school to the development site would have been provided as part of this development. However this would have required culverting and exacerbating existing flooding issues in the area so the HA agreed a proposed footway to the highway limit of Park Lane, to accommodate pedestrians from the leisure centre site.

The HA have confirmed that the Park Lane junction will operate well within capacity and that a simple priority junction is acceptable. A 'KEEP CLEAR' marking at the site entrance will be required to prevent Nottingham Road from becoming blocked with queuing cars when cars queue past the store entrance along Park Lane which is most likely to be at school arrival and

leaving times. The KEEP CLEAR marking is not shown on the photomontages and neither is the clearance and pruning works that will be required (under the technical 278 agreement with NCC as highways) so that the overhanging tree line and the lower lying vegetation do not obstruct visibility, figure 3 below.

Figure 3: Photograph from junction of Park Lane/Nottingham Road with trees/vegetation obstructing visibility splays



The applicants have stated it their intention is to keep this (landscaping) as existing, with no amendments. However this is unacceptable to the Highway Authority as this vegetation obstructs the required visibility splay. They have advised that should the developer wish to secure a Section 278 Agreement for any of the works associated with this development, they will need to include clearance of this splay, to include the removal of lower branches from the trees, grubbing out of shrubs and removal of vegetation, to be replaced with standard grass, both within the visibility splay and for a distance of 1 metre behind it, as per our Highway Design Guide.

Indirect Impacts

The HA have indicated that based on their assessment, the Nottingham Road/Westgate junction would be pushed to theoretical capacity with resultant queueing increasing and the threshold for delay exceeded. However they acknowledge an objection is unlikely to be upheld as the junction would not exceed industry standards. There is concern however that this could mean that vehicles not associated with the development may divert to Halloughton Road to avoid delays and whilst it wouldn't create capacity issues, it could result in unacceptable highway safety issues increasing the risk of conflict between pedestrians and vehicles where there is no footway.

Consequently the HA have raised concerns that a material increase in traffic to Halloughton Road (as a consequence of the supermarket) would result in a road safety concern, particularly at the Halloughton Road/Westgate junction that may require the implementation of a road safety scheme.

Halloughton Road is a single carriageway road with a 30mph speed limit, linking Westgate and Nottingham Road. Currently it has an 18 tonne weight restriction except for access. There is a lit footway along the majority of its length except for around 80m towards Westgate where there is no footpath. There is concern that this route could be used as a cut through during busy periods.

As a way to resolve this potential concern, the HA have requested monitoring of traffic flows on Halloughton Road both pre and post the opening of the store and if flows are shown to increase by 10% or more over an entire day or 30 or more vehicles during peak hours then a mitigating road safety scheme would be required. This would have to be controlled via s106 agreement as it relates to off-site works that cannot form a condition.

NCC as Highways Authority have indicated a sum of £40,000 would be appropriate to fund the yet unknown mitigation scheme. They also indicate there are several potential schemes for remediation measures costing between £6k to £40k, but without public consultation with residents, they do not know which would be the most appropriate. However unspent monies would be returned to the applicant/developer. This scheme could involve white lining roads, the erection of signs and other traffic calming features which would discourage traffic from using Halloughton Road. The applicants have now agreed to this in principle. It is not ideal that the remedy for potential harm is not yet known albeit I accept that taking a pragmatic approach, any harm is likely to be mitigated within a reasonable period of store opening which as Local Planning Authority we could specify within a s106 agreement.

Delivery hours

The application was originally advanced with delivery hours requested between the the hours of 05:00 until 22:00. There has been discussion during the course of the application on this matter, in terms of what would be acceptable from a highway capacity and safety aspect, as well as what would be practical for the applicant.

NCC Highways Authority have concerns with deliveries occurring during school drop off and collection times due to the volume of traffic that would ensue and the likely problems this could cause at the Park Lane/Nottingham Road junction. They are however content for weekday deliveries to take place between the hours of 05:00 until 08:00, 09:30 until 14:30 and between 16:30 until 22:00pm; so 3 windows of delivery opportunities.

With regard to weekend deliveries, the agent's consultants (Vectos) declined to undertake the additional work that NCC Highways requested to understand the traffic impacts taking account of the Rugby Club. In their response (October 2022) they instead suggested that Sainsburys would be content to avoid deliveries when matches are being played at the Rugby Club, which they say are rarely on Saturdays with matches on Sundays between 13:00 and 15:00 and junior matches at 10:30. They say that it would mean that the majority if not all deliveries can take place before the rugby club generates any vehicular or pedestrian movements. They went on to say that Sainbsurys would be content to restrict movements so that there would be no deliveries one hour prior to the first team kick off and three hours post kick off. However Officers considered this was an unworkable solution that would not meet the tests of imposing conditions set out within the NPPF. As such it has been agreed between the parties that deliveries could take place between 05:00 and 10:00am at weekends and bank holidays to avoid adverse impacts. Delivery hours can be conditioned in the event of an approval with a requirement (at the request of NCC Highways) that there should be no delivery vehicles arriving and/or departing outside of these times.

Parking

Policy DM5 states that parking provision for vehicles and cycles should be based on the scale and specific location of the development. Spatial Policy 7 requires appropriate and effective parking provision, both on and off site. Policy TA4 relates to parking standards and requires non-residential development to consider accessibility, the type of development, availability of public transport and the number of visitors and employees at peak times. All new parking must be designed to ensure that it is in keeping with the local character of Southwell with an aim of ensuring it wouldn't overspill in the streets. Contributions may be sought from commercial and retail development within the District Centre to provide sufficient new parking provision in Southwell town centre, with an emphasis on free and affordable parking charges, rather than on site provision. Additionally, parking which enhances the local and visitor access to the shopping centre will be looked on favourably. Policy TA5 relates to parking strategy to ensure local and visitor parking is being met in the most sustainable locations.

The Highways Design Guide sets out parking requirements for commercial sites and for this scheme 1 parking space per 14m² of floorspace is required, equating to 118 spaces. The scheme advanced offers 108 spaces (10 less than the guidance) which was justified through a parking survey based on a similar store elsewhere. NCC Highways Authority have accepted that the level of car parking is appropriate and I have no reason to conclude otherwise.

In line with Policy TA1, the applicants have shown secure cycle storage at the site directly in front of the store which could be secured by condition.

Transport Sustainability

Policy TA1 seeks to improve sustainability in Southwell with developments having to demonstrate (via a published criteria) how they have taken account of the pedestrian and cycle network and helped provide links to key services and the District Centre. It goes on to say that where links are poor, developments may be required to implement new routes or improve existing routes to support the use of sustainable modes. Policy TA2 seeks to promote and expand sustainable modes of public transport through connectivity that prioritises interchange between sustainable modes. The supporting text to the policy says that 'Contributions will be sought from developers, where appropriate, to mitigate and minimise pressures put on the transport system as a result of the development. Furthermore, contributions will ensure improvements can be made in Southwell to encourage existing and new communities to be more sustainable.'

With the above policy context in mind, Nottinghamshire County Council (Transport and Travel) have set out the expectation for bus stop and community travel contributions. Each is now discussed in turn.

Bus Services

NCC's Highway Design Guide (Part 3.1) states that walking distances in urban areas to bus stops should be located within a maximum distance of 400m and desirably no more than 250m. The closest bus stops are located approximately 325m from the centre of the site to the denoted Leisure Centre stop NS0951.

Transport and Travel Services (TTS) who are part of NCC, have advised that Nottingham City Transport operates services 26 and 26A between Nottingham and Southwell, frequently and 7 days a week. No contribution towards bus service provision is therefore being sought, however a contribution towards bus stop infrastructure is considered necessary and reasonable.

Initially NCC requested that the matter be dealt with by condition, drafting a flexible condition that allowed for either 2 new bus stops or upgrading existing stops. However, Officers considered it essential to know the full extent of the proposals before the determination of the application so that all impacts can be considered.

Following further survey work, the applicant has advised that it is not feasible to provide the requested new bus stops along the site frontage on Nottingham Road. Two reasons for this are cited: 1) due to land levels which would require steps down into to the site and/or significant lengths of ramps of between 123m and 194m to obtain access over the retaining infrastructure necessary to protect the car park from flooding and 2) the provision would result in significant loss of the existing hedgerow fronting Nottingham Road. These reasons are noted and accepted as being fair and valid.

Figure 4: Existing and Suggested Bus Stop Plan (superseded)

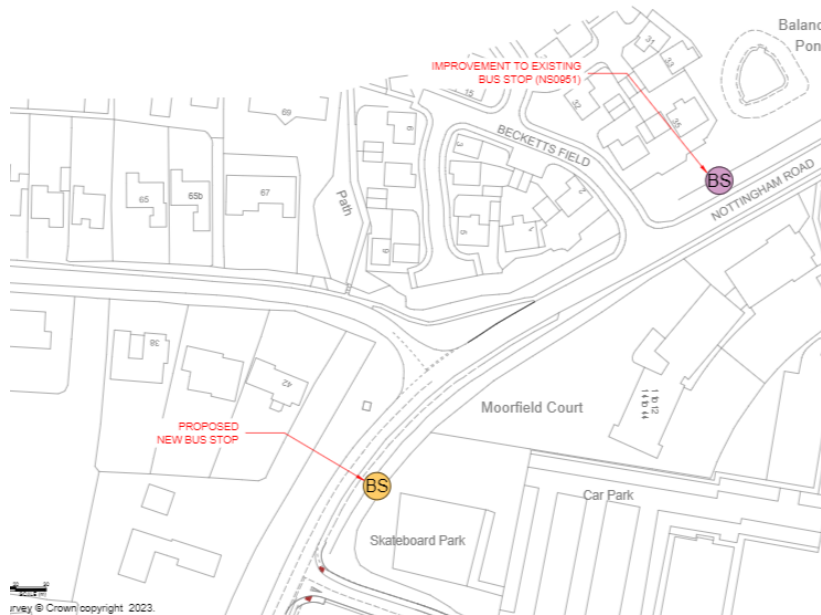


Due to the distance between the proposed site and the nearest bus stop and moreover the convoluted route which requires users to cross the carriageway three times to access the northbound stop, TTS have, from the outset, expressed a clear preference for new bus stops to be provided adjacent to the site. It is noted that the site location has some challenging constraints including the lack of footways forming part of the walking route from the closest bus stops to the site and for the reasons set out above.

Following further discussions between TTS and the applicant's highway consultant, a revised strategy is to provide a new bus stop (southbound) on the eastern side of Nottingham Road adjacent to the skatepark (which would have shelter, raised kerbs, footway, supporting

structure over the ditch and realtime information). For the northbound route, the proposal is to upgrade the existing facility; bus stop NS0951 close to the the entrance of Becketts Field. The upgrades would include dropped kerbs and tactile paving across Park Lane close to the new access junction and onto the newly established footway to Nottingham Road, tactile paving to allow a further crossing of Nottingham Road (close to the junction with Halloughton Road). It would also include a new shelter, raised bus kerbs and real time information and require the central island on Nottingham Road to be moved south to create space for the pedestrian crossing and bus stop.

Figure 5: Revised locations of bus stop infrastructure



TTS have been clear that their preferred option is for new bus stops to be provided on both sides of the carriageway adjacent to the site. The revised strategy offers provision of a new southbound bus stop which from a sustainable travel perspective would be welcomed and could have wider community benefits. However it is equally acknowledged by TTS that the upgrading option of the northbound stop is not the ideal position from a sustainability perspective given its constraints and location. Whilst this route is still within the walking distance guidelines (of the Design Guide) the route is somewhat convoluted, as set out above, and could dissuade users from genuinely accessing the bus service with their bags full of shopping. I consider this compromise cancels out the positive element of the new southbound stop. However, when considering the mitigation package as a whole, I am satisfied that the proposed strategy in regard to bus stop infrastructure would make the development acceptable from a public transport perspective and potentially encourage more sustainable modes of traffic through bringing it up to standard and making it more attractive for users. I agree that this approach is an acceptable solution, appearing to be the best option given the constraints, but one that is neutral in the planning balance. This mitigation package (costed by NCC as £118,580k) would need to be secured by a legal agreement.

Community Transport Contribution

As discussed above, it is not possible to site bus stops directly outside the site. This will therefore result in walk distances in excess of 300 metres. This journey might be unsuitable

for anyone with reduced mobility. The provision of a Community Transport contribution is therefore being sought to help mitigate the impact of the potential of inadequate public transport access to the site.

A Community Transport contribution of £5,000 is being sought for door to door community transport for those over 60 or with a disability and find it difficult to access transport services. This vital community service allows access to key services including health and shopping. The project has a team of 45 volunteer drivers providing approximately 100 trips per week pre-pandemic. It is operated on a non-profit making basis and improves social inclusion for residents. It could provide journeys to the food-store development for users that would otherwise not have access, due to their inability to use public transport. The justification for the community transport contribution is that the current bus stop locations require a fairly significant walking distance to the store, which is unsuitable for some visitors with reduced mobility. The contribution will supplement the core revenue costs of the scheme, so that it could accommodate the potential additional demand for journeys to the new store. These costs include the employment of a scheme coordinator, recruitment and training of volunteer drivers, maintaining a record of registered users, managing bookings, scheme monitoring and compliance records together with office running costs and promotion of the scheme. This will include development of the computerized booking system i.e. online bookings. The NCC Developer Contributions Strategy (para 5.28) does state that a contribution may be required for community services for smaller sites and where access to the bus network might not meet Highway Design Guide standards. The contribution is therefore considered a direct mitigation to support sustainable access to the site which is situated approximately 1km from Southwell Town Centre. This would need to be secured by a section 106 legal agreement in the event of an approval.

In conclusion I am satisfied that the proposal with its package of mitigation outlined above would provide for sustainable pedestrian links to the urban area. Whilst the number of supermarket shoppers visiting the site by bus is likely to be relatively low, I am satisfied that this will be a feasible option and that the upgrading of the bus stops could encourage more usage improving sustainability more widely for the community in accordance with policies TA1 and TA2.

NCC Highway Authority advice that the Framework Travel plan as submitted and amended is deficient albeit have stated that the shortcomings should be easy to resolve so can be dealt with by condition, with approval required prior to the store opening.

Impact on Flood Risk and Drainage (Surface Water and Foul)

Core Policy 9 requires that development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems. Core Policy 10 sets out District Council's commitment to tackling climate change and expects developers to minimise impacts through ensuring new proposals minimise their adverse environmental impacts during construction and eventual operation. Policy DM5 (9) sets out the sequential approach to flooding which reflects the national flood advice contained in the NPPF.

Policy E1 requires Flood Risk Assessments to take account of the NCC hydraulic model and

the Mitigation Plan for Southwell with modelling to be agreed where appropriate. It goes onto say that there should be no development within the flood plain of local watercourses without adequate compensation and the mitigation should be designed to meet the requirements of relevant policies of the Neighbourhood Plan. Policy E2 requires schemes to be designed to avoid increasing flood risk both on and off site and requires proposals to demonstrate they have addressed a list of criteria.

The site lies within flood zone 1 (lowest risk) according to the Environment Agency maps albeit the site is within an area prone to surface water flood issues. As a major development, the proposal required the submission of a site specific flood risk assessment to consider the impacts of the development. The application is accompanied by a topographical survey, Flood Risk Assessment Report and Drainage Strategy, details of which were discussed with the Lead Local Flood Authority (LLFA) beforehand.

Surface Water Drainage

This appears to be a difficult site to deal with from a drainage perspective because it is constrained by low permeability of the underlying geology, the likely flood levels within the receiving watercourses during periods of heavy rain and the invert level of the proposed outfall of the Park Lane Dumble watercourse. Having regard to the national drainage hierarchy the applicant has ruled out the use of infiltration as a means of surface water disposal due to the underlying geology and moved to the next tier being the discharge to a local watercourse.

The strategy adopted seeks to utilise underground attenuation storage at depths of 150mm to allow for gravity drainage. The flow off-site would be limited to greenfield run-off rates, albeit there is acknowledgement that there may be times when the outfall is surcharged by high water levels in the receiving ditch. Rather than installing a pump in the system the applicants propose a high-level overflow from the control chamber to ensure that, even in heavy rainfall conditions, the flow would never exceed the greenfield run off rates of 3.8 l/s. The levels are such that there should be no above ground flooding during any of the design storms up to and including the 1 in 100 year event plus 40% climate change allowance. In the event that a storm exceeds the storms design in severity then there is sufficient volume within the crates system to provide a degree of additional storage.

Across the car park area, traditional asphalt concrete surfacing is proposed coupled with the installation of a series of permatreat channels, geocellular crates, permeable pavements designed to function as a combined run-off collection, silt and oil interceptor and treatment system.

Offsite drainage works will comprise the realignment of the Park Lane Dumble to facilitate the widening of the carriageway. A new box culvert would be installed under the site entrance with a cross section of 1200 x 600 millimetres. The existing culverts under the Park Lane carriageway will also be extended to allow for the carriageway widening.

The Lead Local Flood Authority have advised that based on the strategy submission (which they had input into beforehand) they raise no objection subject to a condition imposed requiring a detailed scheme to be submitted for approval. Having regard to the

representations of the Southwell Flood Forum and other interested parties I have sought to explore if the scheme would bring about any tangible flood risk benefits capable of being weighed in the planning balance. In response the LLFA comment further that:

'The proposed surface water strategy for the Sainsbury's development, as detailed in the Flood Risk Assessment (FRA) submitted as part of the planning application, complies with our expectations as it neither puts the development at risk of flooding nor should it increase the risk of flooding downstream. The information contained within the FRA also shows that in certain 'larger' simulated rainfall events the proposals reduce the surface water runoff from site compared to current situations (see Figure 5.2 of the FRA).'

From this, it is clear that the scheme would not have any adverse impacts on flooding and drainage (thus at the very least it would have a neutral impact) but this seems to suggest that there may be some betterment in some situations based on the flood modelling works undertaken. The LLFA have not been able to quantify these benefits in any way and thus, at best the benefit could attract at most only very little weight. However, as there is no quantification, I attach no weight to this in the balance

I also note the Southwell Flood Forum have requested that the application be run through the Southwell flood model - a hydraulic model controlled by the LLFA. The LLFA have confirmed the proposals have not been run through the model and that it is not necessary because the proposal is outside of the catchment and would not cause any detrimental impacts.

Foul Drainage

Foul drainage has been subject to extensive discussion during the course of the application.

The national drainage hierarchy in the UK Building Regulations sets out the listed order of priority for discharge in the following order 1) public sewer being top then if this is not reasonably practical 2) to a private sewer communicating with a public sewer, then 3) either a septic tank or another waste treatment system and 4) finally a cesspool. The presumption is always to connect to a public sewer if reasonable to do so as this option represents a much lower risk to the environment than others further down the hierarchy.

There is currently no foul drainage discharged from the site, being a green field. The applicant originally advised that the nearest foul sewer is approximately 120m north of the site at the junction of Halloughton Road and Nottingham Road and required a pumping station on site. The applicant initially advanced a scheme that would have used a Package Wastewater Treatment Plant which would discharge treated water to the Springfield Dumble.

The Environment Agency (EA) raised objection to this and it was the subject of discussion/disagreement between the applicants with the EA maintaining their objection.

During the course of the application the possibility of an alternative sewer connecton (from the Brackenhurst Campus to the east) was raised by a third party. The distance to the sewer from the site was slightly over the usual distance where the EA would expect such a connection but this distance reduced to within an acceptable limit by utilising third party land.

Sainburys were keen to avoid connecting into a sewer that crossed third party land due to concerns that this could become a ransom situation either at construction stage or later. This was not accepted as a reason for the EA to remove their objection.

In January 2023 it was confirmed that the scheme would now provide a piped connection from the development to the foul sewer located on Park Lane, to be carried out under a s104 agreement with the water authority. This piped connection is a longer route (at around 204m in length) than an alternative connection so as to avoid crossing third party land. On the basis that the proposal would now connect to a public sewer, the EA removed their objection and I am satisfied that the proposal is acceptable in this regard.

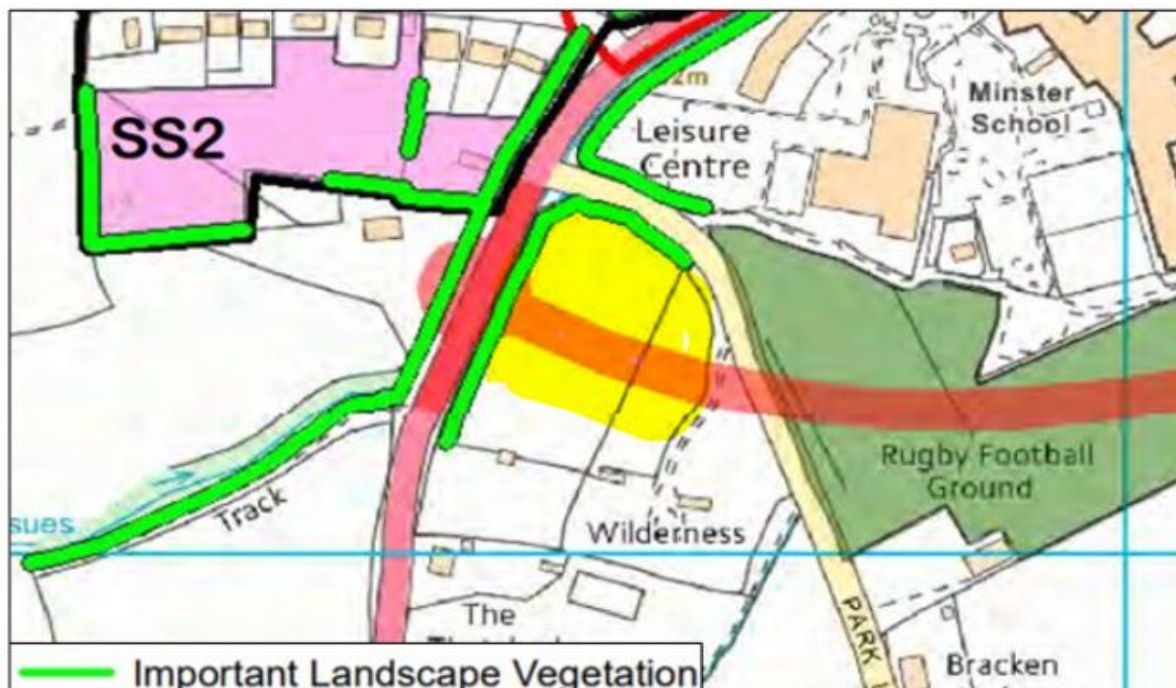
Impact on Trees and Landscape Character

Trees and Hedgerows

The site contains many trees, particularly around its periphery. A tree survey and impact assessment has been submitted with the application.

Policies CP12 and DM7 state that natural features, such as trees and hedgerows, should be retained where possible. Policy E3 of the Southwell Neighbourhood Plan (SNP) seeks, among other things, to retain the rural character of the town and make it an attractive place for visitors. Furthermore, the north and western site boundaries of the site have been specifically identified in the SNP as being 'Important Landscape Vegetation' on the proposals map. Its importance is not just about the quality of the trees themselves (albeit this is part of the consideration) and their ecological value, but for their landscape importance.

Figure 6: Extract of Proposals Map from Southwell Neighbourhood Plan (green line denotes the 'important landscape vegetation' and the yellow highlight denotes the broad site location).



According to the submission, the scheme would involve the direct loss of four individual trees (see figure 7); T38 (Cherry) T50 and T51 (Hazels) and T58 (Hawthorn) as well as groups TG1 (Hawthorn) and the partial loss (10%) of G2 (Hazel, Hawthorn, Elder and Dogwood). All of these (except T38) lie to the north and G2 forms part of the western boundary so would involve the wholesale loss of the northern 'important landscape vegetation' and the partial loss of that to the west.

Figure 7

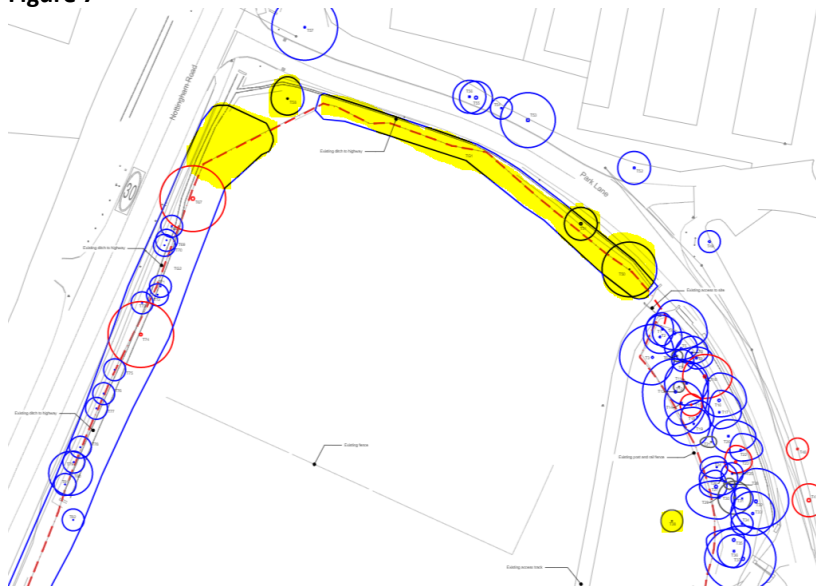


Figure 7 (left):

Trees to be directly removed highlighted in solid yellow 10% of group G2 to west also identified as being lost

Most of these trees and groups are considered by the applicant's tree consultant to be category B (moderate quality with a life expectancy of at least 20 years). However, the Council's Tree and Landscape Officer has concluded that they should be regarded as category 'A' because their amenity value are part of a naturalist environment and worthy of protection. They have also commented that the archaeological study places the boundary trees as ancient meeting the criteria of 'important'. The SNP also identifies this area as important. The presence of the ridge and furrow system, the species matrix, the undisturbed soil profile to a depth of 1 metre approx. are indicators of this being ancient woodland. Regardless of their 'label' which is not agreed between the consultant and the Council, these boundaries are important landscape features.

The loss of these trees and hedgerows is required in order to gain access into the site, undertake land level changes, put in place associated infrastructure and create visibility splays for safe access.

The applicant advances that with mitigation planting, the proposal would have a limited effect on the amenity value represented by the retained trees and that the proposal is capable of being a companionable extension to the existing settlement with no unacceptable effects on the existing landscape features, the receiving townscape and/or landscape. Despite this, there is an acceptance from the applicant's Arboriculturist (at 5.1.2 in their assessment) that the loss of these trees would have an 'initial significant impact' to the appearance of Park Lane.

In addition to the loss of the trees identified, their arboriculturist notes there could be 'limited impact' (moderate likelihood) on trees proposed for retention as a result of the development. For example, along the northern side of Park Lane (where the new footway would be formed)

the potential risk would be to trees T52-T57 inclusive comprising five Field Maples categorised as B1/B2 trees and one B2 category Hawthorn. Impacts could be from root disturbance, severance, canopy damage, change of water flow and drainage patterns to root systems etc. Adjacent to the eastern boundary near the existing access 3 trees would be at similar risk; T3 and T14 (Copper Beech) category B1 and T13 (a B2 category Red Oak). Also along the western boundary with Nottingham Road the risks relate to branch tears, damage to canopies and pathogen entry/shortened lifespan) and the affected trees would be T67-T82 and TG2 which comprise 2 ungraded Ash trees (showing signs of Ash dieback), 13 category B2 Hazels, and a Field Maple.

There is disagreement between the two sets of professionals regarding the level of impacts and risks.

There would be various level changes around the site's periphery due to the proposed cut and fill. For example, around the western boundary adjacent Nottingham Road, level changes appear to be up to -1m in the root protection area (RPA) of some trees and alongside Park Lane by up to -0.75m underneath RPA's of the copse (see Figure 8 below). There is concern that clearances and changes in levels (as defined via the colour contours) could affect the hydrology, habitat, and rooting environment for nearby trees (identified by black outline) in a negative manner potentially causing long/medium-term changes to the habitat and species matrix. This is addressed within the Ecology Section below.

Figure 8

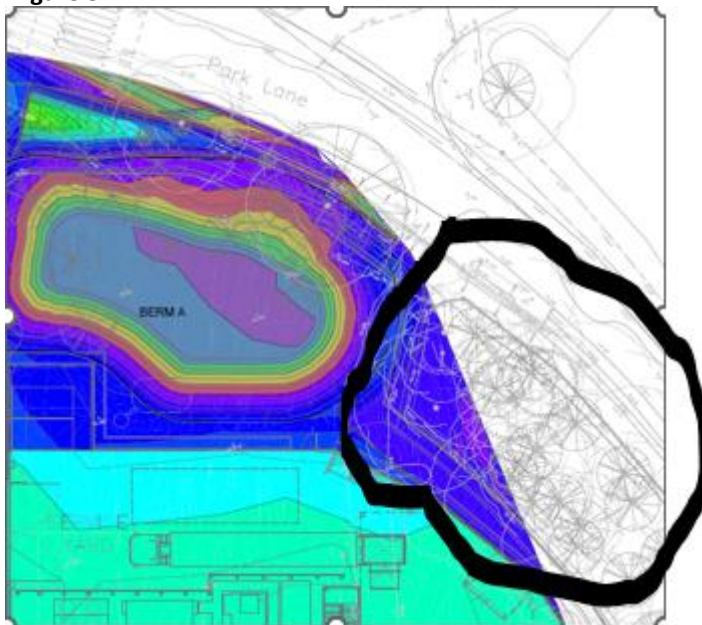


Figure 8 (left): Extract from Cut & Fill Analysis –The black outline identifies the location of trees. The blue colours indicating excavation of up to -0.75m within the RPA's

Furthermore, the placement of fencing/retaining walls/concrete fence post/gabions etc. (not all details of which have been provided) directly into/at the edge of the RPA's of retained trees, is expected to have a negative impact on the future retention of the trees as they grow. It is also noted that tree protection fencing is shown to be placed halfway through the tree crown in places whereas it should be the edge of the RPA. For these reasons it is considered that the impacts could lead to more tree loss than purported.

The arboricultural report and survey does not show the existing hedgerow on the north side of Park Lane (outside of the red line) with only individual trees shown and as such the full

impacts of path construction upon this boundary are unknown, due to the report not being updated following revisions to the plans. This is also the same for the impact from the proposed foul sewage pipe which would traverse a copse of trees and extend along Park Lane which is partially tree lined with RPA's underneath the carriageway. Whilst the applicant has stated that the foul connection would have 'minimal' impact on trees along Park Lane, this has not actually been properly demonstrated through a tree survey/arboricultural method statement.

There is conflicting information regarding the impact of, and on, the trees along the eastern side of Nottingham Road (further north of the site) and this boundary generally. The arboricultural report notes T59-T66 are ungraded Ash Trees. Whilst they are stated as being 'unsuitable for retention' in the report, they aren't proposed to be removed as they are not in the applicant's ownership (they are on NCC highway land) and contribute to the rural boundary character on Nottingham Road. Instead it suggests they will be regularly monitored and managed. Again, in the October 2022 'Outstanding Technical Issues Booklet' document, the applicant suggests that no works would be undertaken here. However, in order to provide adequate visibility splays from the Park Lane/Nottingham Road junction, NCC Highways Authority have advised that clearance works (crown lifting, understorey pruning) of the trees within the splay and 1m behind these splays would be necessary and insisted upon (at the technical S.78 stage post planning approval). Indeed, NCC as Highways Authority have accepted the speed surveys on the basis that drivers would be able to clearly see the junction (having been opened up and cleared of trees/vegetation – see Figure 3 in Highways Section of report) and rely on this change to in turn change driver behaviour and slow down. There is also concern that given the life expectancy and health of the trees, they cannot be relied upon for screening in the short term anyway (before any mitigating trees on site can mature).

Turning back to the site itself, the Tree and Landscape Officer is clear that the changes in levels combined with the majority of the trees being deciduous (wintertime views are much more open) and the presence of Ash trees already suffering from ash dieback would leave the view along the western boundary completely open. Within the medium-term, this boundary is extremely likely to be open and at night-time, there would be a sea of floodlit tarmac, albeit set down at a lower level. Clearly if the development didn't occur, the site would become more open (due to Ash dieback) but views of an open field would be far less harmful than the proposal.

All of these impacts on trees inevitably have an impact on the character of the area which is now explored further.

Landscape Character

A Landscape Character Appraisal (LCA) which forms a Supplementary Planning Document has been prepared on behalf of the District Council to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District.

This site falls within the Mid Nottinghamshire Policy Zone 38 (Halloughton Village Farmlands). This area generally has a very gently undulating and rounded topography and tends to have medium distance views to frequently wooded skylines, although is often enclosed by

vegetation such as hedgerows and woodland etc. There is generally a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture in this area. The landscape has a visually coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms; there are some detracting features including pylon lines and horsiculture. The landscaping condition is defined as good, landscape sensitivity is defined as moderate and the policy action for this area is therefore to 'Conserve and Reinforce'.

In terms of landscape features, the required actions of the policy include conserving and reinforcing hedgerows, restoring historic field boundaries, reinforcing new planting and introducing more hedgerow trees ensuring that new planting takes into consideration the medium and longer views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond. In terms of the built form this means conserving the local built vernacular and reinforcing this in new development plus concentrating new development around existing settlements.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of this application which sets out an assessment of the proposal upon the landscape and visual effects. It should be noted that this has been supplemented with additional visual montages in an attempt to demonstrate the impacts as the application has evolved, albeit the main LVIA report and conclusions have not been updated to reflect the changes.

The LVIA identifies potential impacts upon trees at the site boundary, the site itself as well as the character of Nottingham Road, the wider farmland character and the townscape of Southwell. The value of the landscape character receptors have been judged as medium, except for the townscape character which is judged as medium-high.

The LVIA concludes that the site is currently separated visually and physically from the wider countryside to the south and from the settlement to the north. Given the site's restricted visual envelope, local views are limited to dwellings on the boundaries and a short stretch of Park Lane. There is no intervisibility between the site and Southwell Conservation Area, the Minster or the countryside to the south. This appraisal also concludes that the development can be accommodated without any adverse effects on the prevailing character of the landscape and that the change in land use and character of the site would not detract from the integrity or special qualities of the Southwell Conservation Area or the verdant character of Nottingham Road. It says that the site's self-contained landscape character would be changed rather than the overall character of the wider townscape or landscape. It says the proposal would be visible from only limited locations, notably from a short stretch of Park Lane and a short stretch of Nottingham Road travelling south. Given the design of the development as a whole, it concludes that it would not be experienced as a discordant or inappropriate addition to the townscape. The appraisal acknowledges that although minor adverse visual effects would be experienced by users of short stretches of Nottingham Road and Park Lane adjacent to the site, as the proposed tree and hedge planting reaches maturity, views would be softened.

There are five main routes into the town of Southwell; (1) from the north-east which is the approach from Hockerton village via Hockerton Road, (2) from the east from Upton Road (via the A612) which leads from/to Upton village with Newark (the service centre) beyond, (3)

from the west (Oxton Road/B6586) which leads to Oxton village and Nottingham, (4) from the north-west is the route from Kirklington village (via Lower Kirklington Road) and (5) from the south via the Nottingham Road (A612) which leads to a number of rural villages. It is this last approach (5) that this application relates to.

All of these routes into the town reflect the character of being a rural hinterland that provide an appropriate green transition from countryside to the historic rural town. The importance of the town's setting is a matter that has been rehearsed before at appeal and was ultimately formed as a reason for dismissal in June 2020. On that occasion, it related to the approach into Southwell from Lower Kirklington Road (4) with one of the main issues identified as being the site's 'Gateway context'- see appeal decisions 3234051 and 3244627 relating to 18/01363/FULM & 19/01771/FULM. These appeals concerned the proposed change in character arising from highway interventions presented as required to enable development of the site for allocated housing to the north(west) entrance to the town. The Inspector determined that the works proposed '*would alter the rural character of the road, introducing a distinctly urban form*' and went on to say: '*Overall I find that the highway interventions proposed at both appeals would create a starkly urban feature at the very edge of the settlement. Rather than successfully managing the transition into the main built up area this would result in an abrupt, conspicuous and incongruous visual intrusion into a key gateway location.*' The proposed works involved the inclusion of traffic lights, widening of a junction/carriageway, removing sections of hedgerow, installing pedestrian refuges at either side of the access and verges reconfigured to provide footways and increased visibility splays. Whilst each application is determined on its own merits and not all interventions are comparable to this scheme, it does highlight the importance of associated highway works at sites that are key gateways to the entrance of the town.

In respect of this application site, many representations received from interested parties have raised the impacts on the character of the area as a concern, particularly given the special nature of Southwell as a historic town, rich in heritage that derives part of its character from its rural setting. When arriving from the south, the town is approached from higher ground and there are panoramic views into Southwell with long distance glimpses of the spire of Holy Trinity Church and the Minste. This is a sensitive approach into the town and the site falls within four of the view cones identified in the Southwell Views Project and so careful assessment as to the development impact is necessary. However, I note that due to the current density of tree cover along the boundaries there are limited long distance views either into or from within the site to the landscape or settlement beyond.

The site sits on a gradually decreasing slope from north to south and the design proposes to utilise the topography with cut and fill being used to minimise the removal of spoil with some earth to be reused as part of the proposed landscaping. The store would be sunk into the landscape by up to 2.5 metres approx. (near the southern boundary) to minimise visual impacts necessitating the need for retaining walls. Taking into account that the proposed building would be set down into the landscape, its prominence would be diminished albeit glimpses of it would be seen through the open northern and the porous western boundaries.

The site is not directly adjacent to the defined urban boundary of Southwell. On the eastern side of the highway the intervening land accommodating a skatepark, leisure centre, school and some rural exception housing all of which are outside of the settlement boundary.

However, these developments are screened by mature landscaping and the green space around these buildings helps to form part of a clear transition from a more rural and spacious environment before transitioning into the urban edge of the settlement.

Figure 9:

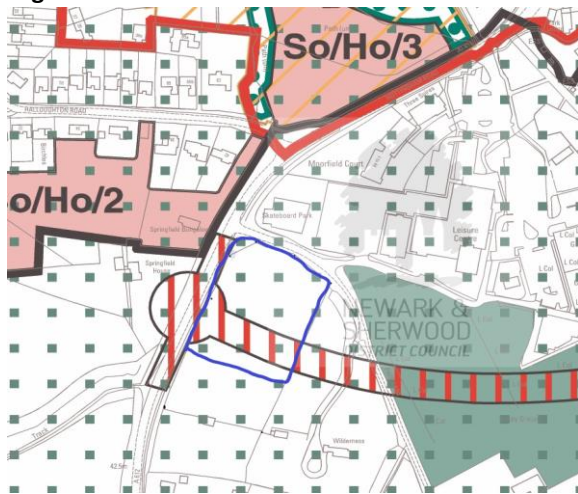


Figure 9: Policies map extract with site location broadly denoted by blue outline and extent of the settlement boundary denoted by black line. The red lines on the plan are no longer up to date (conservation boundary and bypass route)

Figure 10: looking north from junction of Park Lane (courtesy of streetview)



Figure 11: looking north from Halloughton Road junction



On the contrary, the proposal would result in a site that is visibly much more open. For example, the submitted LVIA (at para. 4.8) assumes that the majority of the existing hedgerow/trees on the site boundaries would be retained (with the exception of those removed to create the access). Paragraphs 4.22 and 4.23 of the LVIA do not appear to account for the required visibility splays and ditch works/levels changes/lighting which would result in even greater visibility of the site from Nottingham Road. Park Lane and this stretch of road provide connections between existing public rights of way and is not therefore limited mainly to drivers.

The north-western corner of the site, the junction of Nottingham Road and Park Lane and the northern boundary of the site would change significantly as a result of the development. The entire stretch of identified 'important hedgerow' and landscaping would be removed here (due to tree and vegetation removal required by the development) and the site would be opened up to views from Nottingham Road. The character of Park Lane would also change from a rural country lane to a more sub-urbanised area. I consider that these changes, whilst localised, would be fundamentally detrimental and significant.



NEW STORE | SOUTHWELL, PARK LANE
Existing Photograph on Park Lane
2022 04/22

Figure 12: Photo Montage Park Lane as Existing



NEW STORE | SOUTHWELL, PARK LANE
Highways Photomontage : Footpath Works and Road Alterations on Park Lane
2022 04/22 10/1

Figure 13: Photo Montage Park Lane as Proposed

I do not consider that the visual montages (or other supporting documents) provide a fully accurate depiction of the landscape effects. For example, on the montages (Figure 13 & 17) these do not show the extent of necessary tree pruning in respect of the visibility splay, potential loss of trees, nor all of the highway interventions (such as the KEEP CLEAR sign) that would be painted on the road. Another example of why these are not fully accurate is because the trees depicted as being retained along Nottingham Road are actually unlikely to be present given these are graded as Category U (these are trees that are either dead, dying, or dangerous with a useful remaining life expectancy of less than 10 years). The large Ash tree highlighted by a red circle on the images (in figure 15-17) would also be subjected to excavations underneath the RPA and trunk of up to -0.75m which is highly likely to adversely affect this already poor specimen.

Figure 14: Current junction of Nottingham Road/Park Lane (courtesy of street view)



Figure 15: Extract from Proposed Site Plan



Figure 16: Extract from Photomontage of Nottingham Road



Figure 17 (left)- The large Ash tree highlighted by a red circle would also be subjected to excavations underneath the RPA and trunk of up to -0.75m

As a result of the development, Park Lane junction would be opened up and the lane widened from what is currently a narrow country lane to a wide urbanised road. The extent of the existing highway is demarked by a red dashed line on Figure 18 and the proposed highway is shown in blue. Its new width would be 7.7m approx. including the footway and 9.8m to the east of the site entrance where there are footways on either side of the road. The widening would be a considerable length (over 70m) and would comprise new road markings, vehicle restraint barriers along the full length and new street lighting. The mitigation proposed is limited in this area to new hedgerows set back with some limited scattered trees that would take time to establish and would not compensate for the loss of woodland character, leaving the site relatively open and visible from Nottingham Road. At the corner of Park Lane with Nottingham Road the urbanised feel would be compounded

Figure 18: Image of proposed extent of Park Lane realignment:



Along Nottingham Road the existing line of Ash Trees (category U) are expected to have a short life expectancy due to level changes and the introduction of light columns in close proximity which would open up the site to views of the development. Relocated speed change signs and bollards are proposed which would visually extend the settlement into the countryside to the south. The area generally would appear more urbanised when combining the loss of existing landscaping with the addition of street lighting and tree pruning, clearance of visibility splays etc along the highway which would be necessary for highway safety reasons.

Figure 19: Extract of proposed landscaping



Overall, I do not fully agree with the submitted LVIA assessment and consider the true visual impact to be underestimated. This is partly due to direct and indirect impacts on trees which have also been underestimated. The LVIA conclusions haven't been updated, despite a request to do so and the montages within it (which are limited) show a much softer 'proposed development' than I consider is likely to result from the development.

The existing trees to be removed (and those that are at risk of being lost as discussed) provide an important woodland type character at the edge of the settlement and help the transition from a suburban character to the rural character beyond. The scheme would change the

character and appearance of the area to its detriment. In my view the 'initial significant impact' identified by the applicant would in reality, be far greater and have a longer-term impact than acknowledged given the loss cannot be mitigated due to the need to keep the visibility splays clear. Replacement planting behind the visibility splays would be limited and providing mitigation elsewhere on site does not offer adequate mitigation in the right place. This would be at odds with the objectives of the SNP as well as Policy SoAP 1 (Role and Setting of Southwell) which seeks to identify, protect and enhance the setting of the town'.

Furthermore, the objective of 'conserve and reinforce' required by CP13 would not be met as the proposal would result in the loss of important landscape vegetation as specifically identified in the SNP. Without doubt, the proposal would bring about some permanent landscape changes from the development itself and as a result of the highway works necessary to facilitate the development. The existing more gentle transition from countryside into the suburban area on entry into Southwell would be interrupted. This would visually extend the urban area over the existing situation and result in visual encroachment into the rural character of the area providing a disjointed experience on approach into the town. In conclusion, the development would result in a localised but significant landscape harm that would negatively impact upon the landscape character and visual amenity of the area. This is a matter that needs to be weighed in the planning balance. This harm would be perceived from within Southwell from Nottingham Road rather than from distance views towards the site from the south.

Design and Heritage

Core Policy 9 expects development to achieve a high standard of sustainable design, of an appropriate form and scale to complement the existing built and landscape environments. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policy SD1 requires demonstration of sustainable design. Policy DH1 requires applicants to demonstrate they have taken account of the Southwell Design Guide with developments reinforcing the focus of the Town Centre for commercial and retail uses, and not seek to create alternative centres. This policy does not preclude innovative, contemporary design and states that standardized design is unlikely to be acceptable. Policy DH2 expects high quality development in the public realm.

Policies CP14, DM9 and DH3 seek to protect or enhance heritage assets. The latter policy requires developments to meet the guidance within the Conservation Area Appraisal and respond to the particular characteristics of the individual Conservation Area within which they are located.

The store itself would have a large square footprint located to the south-east portion of the site with its frontage facing towards Nottingham Road so it would be visible on approach from the Park Lane junction, with its services yard screened to the north. The car park (which would be lower lying with land levels reducing across the parking area by up to 4m, near the southern boundary) would lie between the store and Nottingham Road screened in part by some existing landscaping.

The proposed store has a simple contemporary design comprising red brickwork, a shallow dual pitched grey roof c5.3m to ridge (composite insulation board roof) biased to the eastern side and full height glazing along the front elevation with a canopy above the store entrance. A green sedum roof was considered and ruled out, which according to the agent was on the basis of a number of factors including the additional steel that would be required which would mean the building would have been 210mm higher and that additional energy would then be required to heat the store. Instead, the design opts to utilise rooflights (on the western slope) and solar panels (on the eastern slope) reducing the store's reliance on artificial light and energy consumption.

The applicant advances a position that many of the existing trees are proposed for retention although tree removal would be required to make way for the new site access (and its associated infrastructure) and to allow visibility of the store from Nottingham Road. There is concern that the level of tree retention suggested will not be possible which has been explored in the previous section. The southern boundary would be built up by up to 1.75m and planted with trees to help screen the site from the southern approach.

I note some representations received have branded the store design uninspiring. It is certainly not exceptional. However I consider that the applicant has demonstrated a building design appropriate for its context and one that meets the policy expectations I have summarized above.

The car parking area would be a large expanse of hard standing to accommodate 108 vehicles. This level of parking is unavoidable for a commercial use and an intrinsic part of the scheme. I do however accept that this could have been improved with landscaping and trees to break this area up from being so vast and uninterrupted. The proposed brick wall at the site entrance is portrayed as a backdrop for the store signage (which would require separate advertisement consent). This wall has been reduced in height to 1.5m at the suggestion of the conservation officer so as not to dominate this edge of settlement location albeit will in itself contribute to the urbanisation of the area which is discussed in the earlier section.

I am mindful that some objectors have raised concerns that the scheme would destroy the setting of the town. I have already concluded that the proposal would adversely affect its landscape setting. However in heritage terms, the site lies approximately 75m south of Southwell Conservation Area (CA) the boundary of which having been changed (following a Cabinet decision on 1st November 2022). The boundary has been enlarged to the south of the town (it was approximately 100m away) to incorporate the historic deer park and wider setting of the CA and Minster and part of the dumble to the west of the Nottingham Road bringing it closer (now around 27m) to the south and west of the site. Whilst the boundary is now closer to the proposal site, this has not affected the conclusions drawn by my conservation colleagues.

The setting of the CA is an important consideration as development here has the potential to cause significant impacts. This part of the CA is closely associated with Westgate and includes many listed buildings. Nottingham Road is an important route into Southwell and offers vital first impressions in transition from countryside into a complex historic environment.

There are extensive heritage assets within the wider landscape, notably the landmark Grade I Minster and Grade II Church of Holy Trinity. Views of these landmark buildings can be seen from the extensive footpath network to the south of the town. Some of these views can be enjoyed from the adjoining historic parkland to the east which is associated with the historic bishopric of Southwell and carries significance as an unregistered park and garden (non-designated heritage asset). To the south atop a hill is the important complex of Brackenhurst Hall.

It is considered by our lead heritage professional that the existing green field site modestly contributes to the wider setting and significance of the CA and historic buildings and features within it. The site also reflects older historic field patterns and provides a rural setting to Brackenhurst on approach to the town from the south. There are dumble watercourses to the edges of the site which are a characteristic landscape feature in this area.

The wider parish setting of Southwell Minster is an important consideration, and fields and landscaping intervisible with this nationally significant landmark potentially make a positive contribution to its setting and significance.

The proposed store has been designed so that it wouldn't be unduly prominent in the landscape or distracting on approach from the south to the CA. Utilising cut and fill, coupled with the low lying building that is set well back plus the extensively landscaped southern bund would in time help reduce the impacts of the building on the landscape setting for the town when approaching from the south. The harm to the character derives from the stretch of Nottingham Road closer to Park Lane and when leaving the town to travel south.

The Council's heritage officer has considered the impact of the scheme on the listed buildings and the CA setting and has identified no fundamentally adverse impacts nor do they consider it would distract or disrupt the hugely significant setting of landmark buildings such as the Minster and Church of Holy Trinity when viewed from relevant material receptors including the network of footpaths and those within the View Cones Policy. This was also the conclusion of the LVIA.

In terms of archaeology, the applicant has commissioned an evaluation of the site to test the geophysics results already presented. The results of this show that features of an indeterminate date are concentrated in the south-west corner of the site whilst the rest of the site is relatively blank. It appears that prior to the medieval earthworks, the site was largely waterlogged in the northern half, but dryer on the raised ground to the south. As the proposed development would result in the total loss of the archaeological features, in the event of an approval it is recommended that a small excavation be undertaken in mitigation which can be undertaken post-consent, if granted, but prior to any construction works being undertaken. As such this should not form a barrier to permission and subject to conditions would accord with CP14 and DM7.

As set out in paragraph 206 of the NPPF, a material consideration, development proposals affecting the setting of heritage assets are encouraged to enhance or better reveal their significance. It is not possible to achieve either in this case since the existing site arrangement is one of a (modestly) positive nature, and the development would have a neutral impact to heritage. However, Conservation colleagues have found the development to be capable of

preservation, and therefore compatible with the objectives set out under sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (the 'Act').

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy E3 of the SNP echoes all of this and requires applicants to demonstrate how biodiversity will be conserved and enhanced.

The Council has sought independent advice from an experienced ecologist to review the submission. Their advice (which is available to view in full on our website) has helped inform the appraisal and conclusions reached below.

The application has been accompanied by an Extended Phase 1 Habitat Survey undertaken on 21 April 2021. However its limitations are clear that the report only remains valid for 18 months from the date of survey (i.e. until 21st October 2022), after which the validity should be revisited to determine whether updates are necessary. The site plan provided within the survey is also not based on the latest layout.

It was unclear from the plans included within their Survey as to whether the land considered included the trees and vegetation to the north (and to the east and west) of the site as the red line appears to cut through the trees and the habitat plan would appear to exclude the trees surrounding the site. This was raised with the applicants and their ecologist has confirmed by email that it has been considered.

**Figure 19: Extract of Site Location Plan
(red line indicates boundary)**

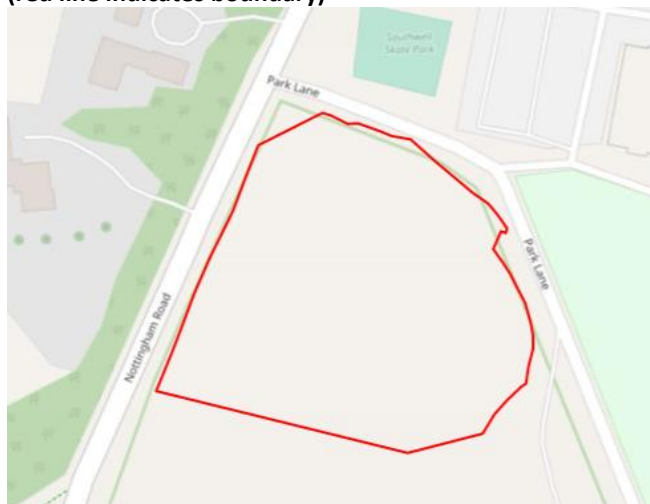


Figure 20: Extract from Habitat Plan



The report states (at para. 5.2) that the proposals will result in the loss of a small section of species-poor hedgerow along the northern boundary. The report states that no Habitats of Principal Importance are present within the site. However it is not clear why this is the case. The extent of this habitat loss is not quantified in this section of the report; however, in other sections it suggests that there will be a loss of 20 linear metres. Reviewing the Arboricultural Report, this report identifies the hedgerow as Tree Group 1, and identifies that the whole

length of approximately 70 linear metres is to be removed. The arboricultural report also indicates (by a dashed blue line) that the northern section of Tree Group 2 will also be removed as a result of the development. This does not appear to have been considered as part of the ecology impact assessment. The likely impact upon reported retained trees, particularly those upon the western boundary also has not been fully assessed. Our appointed ecologist has suggested this should be reviewed and addressed.

There is agreement between consultants on the majority of impacts upon protected species and wildlife with the exception of reptiles.

The report has assessed the site to have limited suitability for reptiles, and no reptiles surveys have been completed. The report states that due to the limited suitability, risk avoidance measures during habitat clearance are considered to be sufficient. However there are ditches/drains located along the northern and western boundaries of the site, that are not identified within the habitat descriptions and are not identified as offering potentially suitable habitat for reptile species such as grass snake. The grassland, ditches, hedgerows and adjacent woodland are considered to potentially offer suitable habitat for reptiles. Whilst Nottingham Road, is a potentially significant barrier to reptile movement, there is open countryside with associated ditches, hedgerows and field margins located to the east and south that could provide connecting suitable habitat.

Our consultant advises that further assessment on the suitability of the site is required, along with either the results of presence/likely absence surveys, or full/more detailed justification as to why reptiles are considered unlikely to be present. This additional information is required as the proposed development will result in hedgerow and ditch damage/loss and significant damage and loss of habitat across the whole site, which could result in killing and injuring of reptiles, if present. The recommended risk avoidance measures are not considered to be appropriate, when the whole site is to be developed. If reptiles were discovered there would be no where to move reptiles safely to. This approach is in line with the advice contained in the government circular ODPM 06/2005.

A sensitive lighting scheme to minimise impacts on nocturnal wildlife (foraging bats) is required which is suggested by the Report as being low level bollard lighting in the car park and along pedestrian routes and motion sensed/or light timed. It is noted that the submitted Lighting Assessment models floodlights to the periphery of the car park and service yard. Our consultant ecologist has indicated that further detail is required. For example the lighting strategy does not state when the lights will be in use and that it is important to ensure that the lights are only on when required, and not for example, left on throughout the night, when the store is closed and there are no deliveries. It is noted that some of the lighting columns are 12m above ground. It is not clear if any consideration has been given to reducing the column height to therefore reduce the volume of illuminated space. This should be considered for all lights. They also suggest that rear shields should be considered along with light dimming, colour temperature, choice of lighting and how they would be controlled.

Their report states that hedgerows to be retained would need to be protected during the construction period and require a minimum buffer of 2m wide post construction to maintain the functional habitat. It is unclear which retained hedgerow this refers to as the Tree Survey refers to the 'hedgerow' as tree groups. However it would appear from the plans that there

is likely to be some conflict between the development and the retained trees/hedgerows to the east and the service yard for example.

Given that the site has been deemed suitable for nesting birds clearance works would need to avoid bird breeding season unless the area has been inspected by a suitably qualified and experienced ecologist first and any birds allowed to fledge. The applicant's ecologist has concluded that (in the event of planning permission being granted) an updated badger walkover survey should be undertaken on site and within 50m of the site between 3-6 months prior to commencement. These recommendations are considered reasonable.

The Environment Act 2021 includes the provision of mandatory biodiversity gain for developments in England; this will be mandated through an amendment to the Town and Country Planning Act 1990. The two-year transition period following Royal Assent (November 2021) means that mandatory biodiversity gain will become law in autumn 2023. This will require:

- The provision of a required percentage of biodiversity gain, currently set nationally to be at 10%.
- The use of the national Defra Biodiversity Metric to calculate the biodiversity gain, currently Metric 3.1.
- The provision of a biodiversity gain plan to demonstrate how biodiversity gain will be delivered on and or off-site; statutory instruments and regulations are in preparation by Defra and Natural England to provide templates for reporting.
- Biodiversity gain will be secured for a fixed period, currently nationally set at 30 years.
- Demonstration of how the biodiversity gain will be secured; conservation covenants will be used to deliver this which are in preparation by Defra and Natural England.
- A national register of land used for biodiversity gain will be established; this will involve setting up a new biodiversity credits market, the approach for which is in preparation by Defra and Natural England.

The policy basis for net gain is already set out in the NPPF. The Council's appointed ecological consultant has indicated that during the transition period, it is considered reasonable to expect the measures set out within the Environment Act to be considered as part of a planning submission when taking into account our Development Plan context and appeal decisions (APP/Y3940/W/21/3278256 and 3282365) that has been drawn to our attention.

Whilst the Environment Act is not yet mandatory, Policy E3 of the Southwell Neighbourhood Plan (2016) states:

"...A Planning Application must include a base line assessment of the habitats, species and overall biodiversity value for the site, where appropriate, expressed in terms of the biodiversity accounting offsetting metric, advocated by the Department for the Environment, Food and Rural Affairs (Defra), proportionate to the size of the development. The application must demonstrate how biodiversity will be conserved and enhanced by the development. Where the loss of habitat cannot be avoided, the application should include an offsetting undertaking to create a compensating habitat area, in a proportion of at least 2:1 to that which is lost, to ensure a net gain in biodiversity..."

This policy that forms part of the adopted Development Plan is clear that an appropriate baseline assessment should be submitted for decision makers to form a view on whether the proposal would result in a net gain or loss and therefore provide appropriate compensation. No such assessment has been completed to determine the existing value of the site and to determine the losses and gains associated with the proposed development. Our appointed ecologist recommends that this work is undertaken. The Council's approach, emerging through the Plan Review, is that biodiversity enhancements should be a net gain of at least 10% (or, if different, the relevant percentage set out in the Environment Act) as measured by the applicable DEFRA metric or any successor document. These gains must be guaranteed for a period of at least 30 years. Whilst the Plan Review is at an early stage, therefore having little weight that can be attached to it, it is of relevance that on 9th November 2023 a two year transition period will end; after which biodiversity net gain of the relevant percentage becomes a legal requirement on developments where it is applicable. It is important to note that onsite biodiversity net gain would be preferable, and that where off-site measures are necessary, they should contribute to the Nature Recovery Network.

However at the present time I take the view that the impacts on ecology may well have been underestimated and in any event the application has failed to demonstrate that the impacts would not amount to an unacceptable adverse impact on ecology contrary to the Development Plan.

Impact on Residential Amenity

Policy DM5 requires that the layout of development within sites and separation distances from neighbouring development, should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Proposals resulting in the loss of amenity space will require justification. Core Policy 9 requires developments to have regard to a compatible mix of uses.

The nearest residential properties include Springfield Bungalow (c32m) and Springfield House (c60m) to the west on Nottingham Road, with dwellings on Halloughton Road and The Rise beyond to the north-west, Moorfield Court (c78m) to the north-east, the Caretaker Bungalow at the Minster School (c135m) to the east, Thatched Cottage (c103m) and The Wilderness (c52m) to the south. All distances are approximate and from the nearest site boundary.

Given the distances involved and the relatively low height of the building I am satisfied that the development would not give rise to unacceptable impacts in terms of loss of privacy, overbearing or overshadowing impacts. The key considerations in terms of the impacts on living conditions relate to impacts from noise and general disturbance (such as from deliveries etc.) and external lighting which have been carefully considered.

Construction phase impacts could bring about general disturbance for a finite period, such as noise and dust etc. However this can be adequately mitigated with the submission of a Construction Method Statement, restricting the construction hours and deliveries times and limiting piling/vibration rollers to weekdays only, along with measures to control dust. This could be controlled via a suitably worded condition.

Impacts on living conditions, once operational, relate to general disturbance from noise, deliveries and lighting. The applicant proposes delivery times of 5am until 10pm which our Environmental Health Officer has raised no issue with and I agree that deliveries during these hours (from a living condition perspective only) are unlikely to cause unacceptable disturbance given the distances with residential neighbours.

A noise assessment has been undertaken which considered the plant equipment that is proposed. Environmental Health Officers consider this to be acceptable and unlikely to cause amenity problems.

External lighting is proposed in order to provide a safe environment for staff, customers and deliveries. The lighting scheme would involve the installation of lighting poles mounted at 3m high within the car park and the service/delivery yard. A Lighting Assessment has been undertaken to quantify the likely impacts to amenity and concludes that the impacts will be low. The EHO has reviewed the scheme and raises no objections on amenity grounds. The matter could be controlled by way of a suitably worded condition.

Overall I consider that the impacts on the amenity of nearby residents would not be unduly affected and the proposal in this regard complies with the aforementioned policy context.

Economic Benefits

The applicant has prepared a Socio-Economic Statement to support their application. This seeks to highlight the benefits of the scheme in an attempt to tip the balance towards approval.

The applicant sets out temporary economic benefits comprising 37 construction jobs based on their data which will add c£2.3m gross GVA over the entire construction period. It is suggested that the construction workers themselves will spend around £30k in the local economy per year during the construction period. It is unclear how long the construction period is intended to take. Once operational, the development is said to create 40 FTE jobs within the store (17 of which are expected to be filled from within the District) and more in the supply chain.

Wider benefits are promoted as the provision of an essential retail store in a convenient location that will assist in being more resilient to shocks (such as the Covid-19 pandemic). It is suggested that this will cater for older people (Southwell has a significantly higher proportion of elderly than elsewhere in the local authority) who may not have access to a car. In addition benefits are touted as providing local residents with a greater range of products closer to their homes and thus reducing travel distances, which would reduce travel emissions and contribute to more sustainable shopping patterns.

In addition, and not advanced as part of the applicant's case, are the benefits of increased competition within the local convenience retail market. It is anticipated that this might have a consequential impact in reducing convenience food prices. Promoting competition and choice is at the heart of retail planning policy within the NPPF.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

The Development Plan has primacy in decision making and the application is locationally outside of the urban boundary in the open countryside. The proposal therefore is contrary to the development plan in that regard. In law, decisions must be taken in line with the development plan unless material planning considerations indicate otherwise. Given that the site conflicts with the development plan, the central question that the decision maker is tasked with is 'are there material planning considerations here that outweigh the presumption against this development?'

The applicant has demonstrated through this application that the retail needs of residents are not currently being met, resulting in trade leakage elsewhere. They have also successfully demonstrated that having regard to the sequential test for retail there are no better sites currently available and that the impacts of the store would be unlikely to adversely affect the vitality and viability of the existing town centre or indeed the Co-op subject to controls.

The Development Plan does not contain a retail allocation for Southwell given the limited (only 206m² by 2033) retail capacity identified at the time of plan preparation which was found sound and reasonable. Whilst the Southwell Neighbourhood Plan and the Allocations and Development Management DPD are currently being reviewed, neither are proposing any new allocations (other than for gypsies and travellers in the case of the latter). Consequently, retail would be left for a subsequent round of plan-making to tackle and so likely to remain unresolved over the short term.

The NPPG acknowledges (at paragraph 005) that 'it may not be possible to accommodate all forecast needs for main town centre uses in a town centre. In such cases local planning authorities are expected to plan positively to identify the most appropriate alternative strategy for meeting the identified need for these main town centre uses, having regard to the sequential and impact tests. This **should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations** to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 90 of the NPPF. *(My emphasis added)*

The proposal will have potentially significant benefits for the economy by creating around 40 FTE jobs which local people could benefit from once operational. The application has demonstrated that convenience retail needs are not currently being met in Southwell, and there is the scope to improve the sustainability of shopping patterns. In addition, we are advised by our independent retail advisor that there would be potential for stemming the retail trade leaks to elsewhere, improving trade retention for Southwell and contributing to more sustainable patterns of travel as residents of Southwell could do more of their convenience shopping in the town without having to travel elsewhere. The offer promoted is

not vastly dissimilar in scale or kind to the Southwell Co-op (in the context that Sainsbury's is not a deep discount store) but it would provide improved choice for consumers, increasing competition and could help drive down prices. These benefits need to be given significant weight. There would also be positive economic benefits arising from its construction phase, albeit these are temporary in nature so attract limited weight in my view. Nevertheless these amount to a significant package of benefits that such a store could bring to the town.

There are a number of neutral matters that weigh neither in favour or against the application. Of note, I have already concluded that the public transport package is a neutral factor as it will mitigate the impacts of the development but the compromises of the convoluted route and distance to the northbound stop diminish the benefit of the new southbound bus-stop when considered together.

The benefits of such a store in Southwell must be countered against the negative impacts (harm) that have been identified. The proposal site is outside of the settlement in the countryside on a sensitive approach from the south of the town. The landscape in this area is rural and lined with hedgerows and trees which give a strong sense of place and manages the rural transition from the countryside to the urban area. This development would erode that transition by removing important landscape vegetation and urbansing the area significantly. This would lead to significant change to the character of the area experienced from Nottingham Road and Park Lane. Whilst the impacts would be localised, I consider they would be significant and harmful to the setting of the town. This would fail to meet other objectives of the Development Plan including the landscape objectives identified by CP13 as 'conserving and reinforcing', nor would it protect the setting of Southwell as required by SoAp1, nor would it retain the identified 'Important Landscape Vegetation' to the north and west boundaries of the site as specifically required by the Southwell Neighbourhood Plan and policy E3. There is also a risk that this scheme would create an alternative centre (as least visually) which is specifically contrary to Policy DH1.

When considering the appropriate weighting that these policy objectives (which have been ratified through the Development Plan making processes) should be given and in considering that they would not be met by the proposal and indeed the harm that would be experienced by many receptors travelling through the settlement on a regular basis for the lifetime of the development, I consider this should be afforded substantial weight. Overall I find that whilst the benefits are strong, the proposal in other regards clearly conflicts with the environmental objectives of the development plan which on balance do not persuade me to override the presumption against development.

The overall conclusion reached on ecology is that there are gaps in the submission that require further work and to bring this up to date. With the ecology issues that at this time are unresolved, this adds further weight to the refusal but it should be acknowledged that these may be resolvable.

It should be noted that the third reason for refusal has been included for completeness but could also be resolved in the event that a satisfactory legal agreement was completed as the principles of mitigation are agreed.

10.0 Reason for Refusal

01

The proposal is considered contrary to the following policies from the adopted Development Plan:

From the Southwell Neighbourhood Plan (2016):

- SD1 (Delivering Sustainable Development)
- E3 (Green Infrastructure and Biodiversity)
- DH1 (Sense of Place)

From the Amended Core Strategy (2019):

- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- SoAP1 – Role and Setting of Southwell

From the Allocations and Development Management DPD (2013).

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside

The site lies in the Open Countryside where there is a presumption against development in accordance with Policies SP3 and DM8. The proposal does not accord with any of the exceptions listed within the policies and conflicts, as a matter of principle, with the adopted spatial strategy. The Local Planning Authority has carefully considered whether there are any material considerations that indicate a decision should be made to the contrary. Consideration has been given to the socio-economic benefits of the scheme which weigh in its favour. However the proposal would result in the wholesale removal of identified important landscape vegetation to the north of the site and partial removal and disruption to the western boundary of important vegetation. This, coupled with the development of a large commercial unit set amongst a vast expanse of unbroken car parking, associated development including a signage wall and floodlights, and taking into account the necessary highway interventions required to make the scheme safe, would irreparably alter the rural character of the countryside through its urbanisation which would harm the transition from countryside and visually erode the entrance to this sensitive landscape setting of the town and its sense of place. This harm cannot be mitigated. Whilst localised impacts, these are considered significant and outweigh the benefits of the scheme. It is considered that this location is not environmentally appropriate for such a development and therefore represents unsustainable development.

02

In the opinion of the Local Planning Authority the scheme as advanced fails to demonstrate the true ecological impact on the site. Given the passage of time the findings of the ecological appraisal cannot be relied upon. The impact upon the tree groups 1 and 2 have not been adequately assessed, further surveys and assessments are required in respect of reptiles and further details are required in form an adequate assessment of impacts from proposed flood

lighting. A biodiversity assessment is also required to demonstrate whether the proposal would amount to a net gain or loss. Without an appropriate assessment it is not possible to determine whether the impacts can be avoided, adequately mitigated or compensated for and the proposal fails to demonstrate that the scheme would have an acceptable impact on the District's ecological assets contrary to Policies E3 (Green Infrastructure and Biodiversity), Core Policy 9 (Sustainable Design), Core Policy 12 (Biodiversity and Green Infrastructure), Core Policy 13 (Landscape Character), DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) as well as the National Planning Policy Framework and ODPM 06/2005 government circular both of which are material planning considerations.

03

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. These states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. In the event of an approval, this scheme would require mitigation that cannot be controlled via condition such as securing the finances associated with upgrading the bus stop infrastructure to ensure the development is as sustainable as possible and to mitigate impacts from increased traffic to Halloughton Road as a result of this development. There is no mechanism to secure these mitigating measures without a unilateral undertaking or planning obligation (under Section 106) being entered into. Therefore, in the opinion of the Local Planning Authority the proposal (at the point of determination) fails to provide appropriate mitigation for the impacts of the development contrary to Spatial Policy 7 (Sustainable Transport), Core Policy 9, DM5, TA1 (Public Transport Connectivity) and TA3 (Highway Impacts) of the Development Plan.

Informatives

01

The application has been considered and refused on the basis on the following plans and documents. The dates in brackets are the submission dates of the document if not as originally submitted.

- Detailed Topographical Survey, IR.SSLSouthwell.21_01
- Existing Site Plan, SK-A-9101
- Proposed Elevations, SK-A-9104
- Proposed External Works Surfacing Layout, GDP-Z07-00-DR-C-9001 P02 (**submitted 17.02.2023**)
- Proposed Levels Cut and Fill Analysis, GDP-Z07-00-DR-C-9025 P05 (**submitted 17.02.2023**)
- Proposed Levels, GDP-Z07-00-DR-C-9021 P07 (**revised 05.09.2022**)
- Proposed Roof Plan, SK-A-2701
- Proposed Service Yard Plan, SK-A-9105 Rev 1
- Proposed Site Plan including off site Highway Works, SK-A-9109 Rev 13 (**revised**)

13.01.2023)

- Adopted Highway Plan, VN211871-D108 Rev B
- Proposed Store Plan, SK-A-2101 Rev 1
- Proposed Street Furniture, SK-A-9107 Rev 1
- Proposed Street Furniture (trolley bay) SK-A-9108 Rev 1
- Tree Survey Plan, J210417-GC-A-DR-001 Rev A (**revised 28.11.2022**)
- Tree Constraints and Protection Plan, J210417-GC-A-DR-3-002 Rev A (**revised 28.11.2022**)
- General Arrangement and Swept Path Analysis, VN2118710-TR101 Rev B
- Proposed 3D Visual, HCD-SK-A-9110 Rev 3
- Proposed 3D Visual, HCD-SK-A-9111 Rev 3
- Existing Photo on Nottingham Road, SK-A-9126 (13.07.2022)
- Proposed Photomontage, HCD-SK-A-9114 Rev 2 (July 2022)
- Proposed Highways Works, SK-A-9117 Rev 13 (**11.01.2023**)
- Site Location Plan, SK-A-9100 Rev 11 (amended 07.03.2022)
- Covering Letter dated 17.09.2021 from WSP
- CIL Form
- Air Quality Assessment by NALO Tetra Tech, (updated 18 October 2021)
- Archaeological Desk Based Assessment by Cotswolds Ecology, July 2021
- Geophysical Survey, Archaeological Services, August 2021
- Groundsure Geology Report, Ref GS-7725540
- BREEAM Pre-Assessment by Sol Environment Ltd, September 2021
- Ecological Appraisal Rev 1, Tetra Tech, July 2021
- Flood Risk Assessment Report and Drainage Strategy, Rev B, GDP, September 2021
- Framework Travel Plan, Vectos, January 2023 (**13.01.2023**)
- Heritage Settings Assessment, Cotswold Archaeology, September 2021
- Installation Guidelines for Bio-Sinc Units
- Landscape and Visual Impact Assessment, Ground Control, J210416-GC-L-RP-3-005 Rev F (January 2023)
- Lighting Assessment, Tetra Tech, 17.09.2021
- Noise Assessment, Tetra Tech, September 2021
- Phase 1 Desk Study, Pam Brown Associates, June 2021
- Planning and Retail Statement, WSP September 2021
- Socio-Economic Statement, WSP September 2021
- Soft Landscaping Design Statement by Ground Control J210416-GC-L-RP-3-005 Rev F, January 2023 (**11.01.2023**)
- Transport Assessment, Vectos September 2021
- Tree Report: Arboricultural Impact Assessment by Ground Control Revision A, November 2022 (updated 28.11.2022)
- What is the Plan – Sainsbury's Document
- Existing Site Photographs (SK-A-9121 Rev 2)
- Letter from Hadfield Cawkwell Davidson (03 November 2021)
- Letter from GD Partnership Ltd (dated 25.10.2021 -response to Southwell Flood Forum letter)
- Technical Note 01 – Response to NCC Highway comments from Vectos (03 December 2021)
- Technical Note 03 – Response to NCC Highway comments from Vectos (07 April

2022)

- Manual Traffic Survey 07.03.2022
- Trip Rates Sensitivity Test Diagrams, 07.03.2022
- Trip Rates Test, 4-5pm Junctions 8 Report, 07.03.2022
- Trip Rates Test Junctions 8 Report, 07.03.2022
- Speed Survey 15.03.2022
- Highways Photomontage: Nottingham Road, Relocated Signs on Entry to the Town, SK-A-9123
- Highways Photomontage: Footpath Works at Nottingham Road/Halloughton Road Junction, SK-A-9124,
- Existing Photograph on Park Lane, SK-A-9125 Rev 2 (13.07.2022)
- Proposed Site Cross Sections, GDP-Z07-00-DR-C-9022 Rev P08
- Proposed Highways Section D-D, SK-A-9134 Rev 4 (**11.01.2023**)
- Proposed Highways Section C-C, SK-A-9133 Rev 4 (**11.01.2023**)
- Proposed Highways Section B-B, SK-A-9132 Rev 4 (**11.01.2023**)
- Proposed Highways Section A-A, SK-A-9131 Rev 4 (**11.01.2023**)
- Proposed Highways Site Access Sections Key Plan, SK-A-9130 Rev 5 (**13.02.2023**)
- **Outstanding Technical Issues Booklet**, received 30.09.2022. This contains drawings and documents (superseded drawings not listed):
- SK-A-9113 Rev 6 (Proposed Montage) from Nottingham Road, north
- SK-A-9122 Rev 4 (Highways Photomontage; Footpath Works and Road Alterations on Park Lane)
- SK-A-9135 Rev 2 (Feasibility Sections and Visuals of Suggested Footpath)
- VN211871-D109, S106 Bus Strategy Plan (**22.02.2023**)
- VN211871 TR102 Analysis of Bus Stop Location
- SK-A-9102 Rev 14 (Proposed Site Plan)
- SK-A-9103 Rev 2 (Existing/Proposed Site Sections)
- SK-A-9116 Rev 5 (Proposed Signage Details)
- Soft Landscaping Strategy Plan, J210417-GC-L-DR-3-004 Rev J (**13.02.2023**)
- Design and Access Statement Revision 4, September 2022
- Technical Note by Vectos in response to NCC Highway comments (**28.11.2022**)
- Park Road VRS Assessment, Vectos, November 2022 (**28.11.2022**)
- Response to Tree and Landscape Officer (**28.11.2022**)
- Proposed Boundary Treatment Plan, SK-A-9106 Rev 6 (**11.01.2023**)
- Proposed Site Plan, SK-A-9102 Rev 13 (**11.01.2023**)
- Proposed Ditch Works Cross Sections, GDP-Z0-00-DR-C-5204 Rev P04 (**11.01.2023**)
- Proposed Ditch Works Plan and Longsection, GDP-Z07-00-DR-C-5203 Rev P04 (**11.01.2023**)
- Proposed foul rising main outfall route, GDP-Z07-00-SK-C-5208 P01 (**11.01.2023**)
- Site Access Vertical Visibility Splay, P152-VEC-HGN-XX-DR-CH-0102 Rev D (**11.01.2023**)

02

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the Local Planning Authority has sought to work positively and proactively with the applicants in order come to

a view on whether the benefits of the proposal were able to outweigh the harm. Whilst it has been determined ultimately that the harm does outweigh the benefits in this case, a number of reasons for refusal have been negated therefor narrowing the issues between the parties. This has demonstrated that the local planning authority has sought to work positively and as proactively as possible with the applicants as required by the NPPF and by the Town & Country Planning (Development Management Procedure) (England) Order 2015.

03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.