



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

30 May 2024



S23/1177

Proposal:

Construction of a retail foodstore, car parking, access, landscaping and associated engineering works

Location:

Land North of West Road Bourne Lincolnshire PE10 9PS

Applicant:

Aldi Stores Limited

Agent:

Avison Young

Application Type:

Major Retail

Reason for Referral to Committee:

Called-in by Cllr Crawford and Cllr Kelly due to concerns relating to the principle of development, impact on the character of the area, highways impacts, and impact on Bourne Woods.

Key Issues:

- Principle of development
- Effects of the proposal on the town centre
- Visual amenity
- Character of the Area
- Residential Amenity
- Highways,
- Flood Risk and Climate Change
- Ecology and Biodiversity
- Archaeology

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Bourne Austerby

Reviewed by:

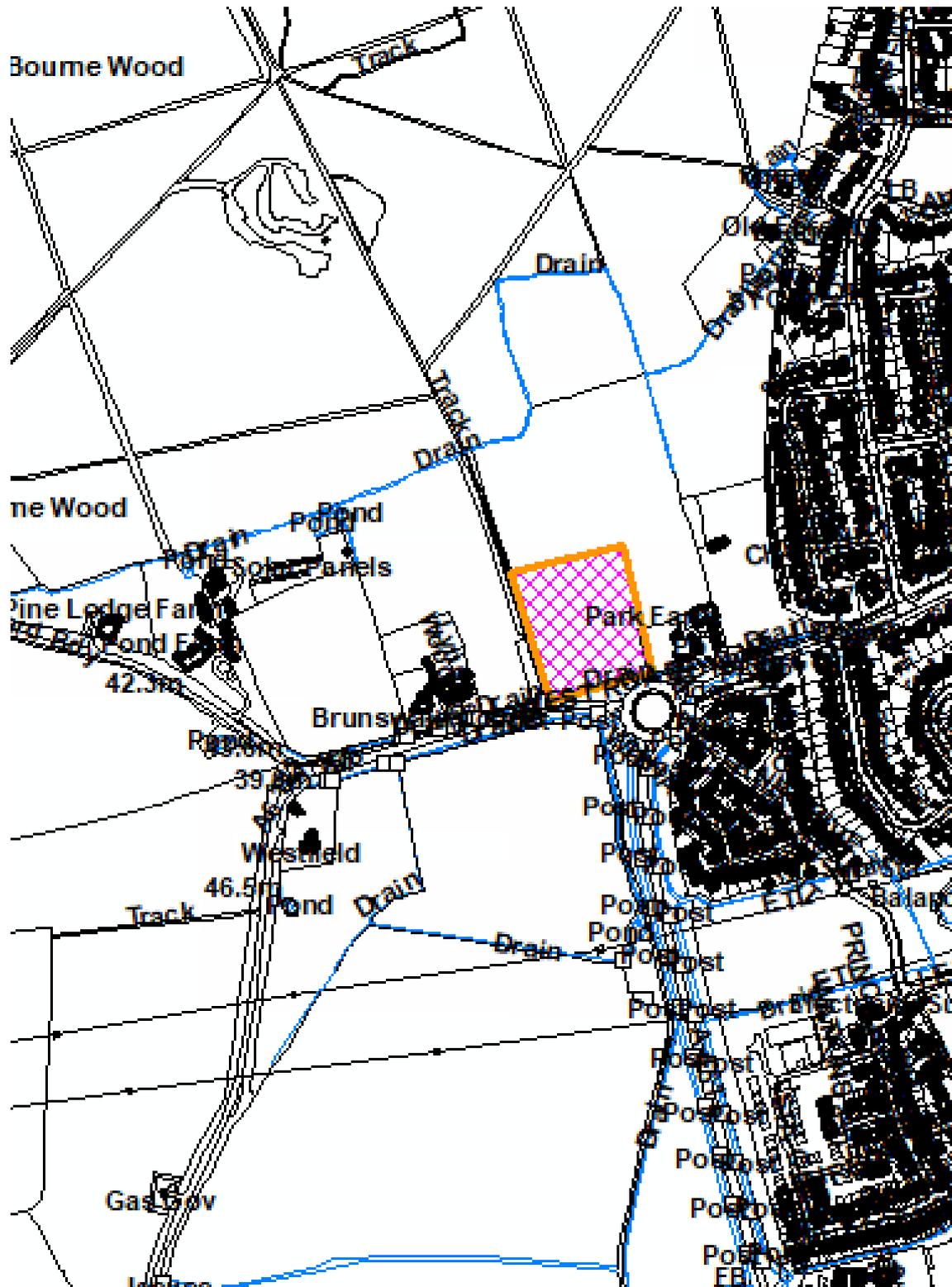
Adam Murray – Principal Development Management Planner

21 May 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director of Planning to APPROVE planning permission subject to the conditions set out in section 8 of this report.

Land North of West Road Bourne Lincolnshire PE10 9PS



Key

Application Boundary



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1 Description of Site

- 1.1 The application site lies to the north side of West Road, between two small clusters of residential dwellings on the western edge of the settlement of Bourne. The site is currently used as pasture land, and is bound to the south (front) and west by mature hedgerows.
- 1.2 Bourne Woods lies approximately 125m from the northern boundary of the site, while to the south is the recent residential development at Elsea Park. There is a bridleway along the western boundary providing access to Bourne Woods, which is separated from the site by a long expanse of mature hedgerows and trees and the rest of the field parcel of which the application site forms part.
- 1.3 The site lies at the edge of the settlement adjacent to existing development, including in the new Elsea Park housing estate of circa 2,000 dwellings, as well as being located adjacent to a large roundabout and a main route into Bourne with all the associated lighting and signage that goes with it.

2 The Proposal

- 2.1 The application proposes the erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works. The foodstore would have a sales area of 1,315 sq. m, of which approximately 80% would be used for the sale of convenience goods and 20% for the sale of comparison goods. The scheme would provide parking for 127 vehicles and a new access from West Road. These would include 6 accessible, 6 parent and child, and 4 electric vehicle charging spaces.
- 2.2 The proposed store would be located to the north-western corner of the site with the access to the eastern side. Parking would be provided to the south and east with delivery and associated HGV turning area to the north (rear). The entrance to the store would be to the south-eastern corner of the building with pedestrian access routes from the south and east.
- 2.3 The southern (front) boundary of the site, adjacent to West Road, would have the existing hedgerow retained, with the exception of the proposed splayed pedestrian access, and reduced in height to 1 metre for the purposes of visibility. A deep landscaped buffer is proposed to the boundaries of the store, car park and delivery area.
- 2.4 The proposed store would be single storey with a monopitch roof sloping from east to west with the lower side (5.2 m eaves height) backing on to the public right of way to the west. The higher side, facing the car park, would have an overall height of 6.2 metres. Externally the proposed building would be finished with natural timber cladding and large areas of glazing.
- 2.5 The floorspace and scale of the proposed store is to a tried and tested format and is the optimum required for the store's efficient operation as a Limited Assortment Discount foodstore so that space is not wasted or serviced or heated unnecessarily. The submitted

details state that around 50 jobs, of varying hours, would be created at the store once it is operational.

3 Policy Considerations

3.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

SD1 – The Principles of Sustainable Development in South Kesteven

SP1 – Spatial Strategy

SP2 – Settlement Hierarchy

SP4 – Development on the Edge of Settlements

EN1 – Landscape Character

EN2 – Protecting Biodiversity and Geodiversity

EN3 – Green Infrastructure

EN4 – Pollution Control

EN5 – Water Environment and Flood Risk Management

EN6 – The Historic Environment

DE1 – Promoting Good Quality Design

SB1 – Sustainable Building

BRN2 – Bourne Town Centre Policy

ID2 – Transport and Strategic Transport Infrastructure

3.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)

3.3 National Planning Policy Framework (NPPF) (Published December 2023)

Section 7 - Ensuring the vitality of town centres

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 16 – the Historic Environment

4 Representations Received

4.1 Anglian Water

4.1.1 Foul Water - The foul drainage from this development is in the catchment of Bourne Water Recycling Centre that will have available capacity for these flows

4.1.2 Surface Water - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

4.2 **The Environment Agency:**

4.2.1 The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'.

4.3 **Heritage Lincolnshire:**

4.3.1 Archaeological background:

4.3.2 The site for the proposed development lies in an area of archaeological interest. Archaeological trial trenching to the south of west road has identified archaeological remains of post medieval date, including a possible clay extraction pit. Roman pottery has been recovered in areas immediately to the south of the proposed development.

4.3.3 Recommendation:

4.3.4 Following the submission of an Archaeological Written Scheme of Investigation (WSI) (11 September 2023) the potential impact of the proposal upon archaeology would be satisfactory and the WSI is approved.

4.4 **Black Sluice Internal Drainage Board:**

The Board has received the above planning application and whilst the site does not lie within the Board's district, the site does lie within the Board's Extended Area, within which the Board acts as an agent and sub-consultee to the Lead Local Flood Authority (LLFA) for matters regarding ordinary watercourses.

The Board therefore has the following comments:

Under the provisions of the Flood & Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority (LLFA - Lincs County Council) is required for any proposed works or structures within any watercourse outside those designated as Main Rivers or Internal Drainage Districts. At this location, the Board acts as Agents for the LLFA, and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require prior written consent from the Board. This is mandatory. Application forms are available on request from the Board, or can be downloaded from the Board's website.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.

4.5 **SKDC Tree Officer:**

- 4.5.1 If planning permission is granted then I would suggest that conditions be applied requiring a robust landscape plan which should include new tree, hedgerow and shrub planting. The new landscaping should avoid the creation of a monoculture and include native and non-native species. The plan provided is satisfactory although it is my advice that there is room for more large maturing trees on the West Road frontage and possibly in the grass verge. Large maturing trees will help screen the site, mitigate climate change and reduce storm water runoff. Additional species such as small leaved lime, English oak or sweet chestnut would be appropriate.
- 4.5.2 The encroachment by the structures on the west of the site is potentially harmful to the remaining trees and shrubs. Further detail mitigating the impact of the building works including a methodology and tree protection plan should be required. I would suggest that there is scope for more robust mitigation planting than that currently shown on the western side. It is currently difficult to read the planting plan because of its colouring.

4.6 **Lincolnshire County Council (as Local Highway Authority and Lead Local Flood Authority)**

- 4.6.1 Final comments:
- 4.6.2 Following the submission of further information in the form of off-site improvements to provide a footway from Welland Drive, with a pedestrian island at the junction, to ensure a safe and direct route to the site from the Elsea Park Development the Highway Authority conclude the following:
- The proposed parking arrangements (including cycle, accessible, parent & child and EV charging spaces) would be in line with Lincolnshire County Council guidance.
 - The submitted Transport Assessment and Travel Plan conclude that no significant impact will occur on the existing local highway network. LCC concur that in line with para. 115 of the NPPF the proposal would not result in a severe impact.
 - The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.
- 4.6.3 On the basis of the above no objections are raised subject to the imposition of appropriate conditions.

4.7 **Lincolnshire Wildlife Trust:**

- 4.7.1 Lincolnshire Wildlife Trust wishes to register a strong objection against this application.
- 4.7.2 The proposed development site is not allocated in the South Kesteven Local Plan for such works, and so is not an appropriate location for this development. In addition to this, the development would directly impact on the Local Wildlife Site (LWS) Bourne Woods. Although mitigation has been suggested to minimise the impact of the development on the

LWS, we do not agree that the suggested measures are sufficient and find no clear application of the mitigation hierarchy in the submitted documentation.

- 4.7.3 The Phase 1 Habitat Survey was undertaken by Middlemarch in January 2023, an inappropriate time of year for such a survey. The JNCC guidance is clear and states that 'the field season should be considered as starting late March/early April in the south and April/early May in the north of England. The season generally ends about mid-October, although in a mild season it may be possible to carry out some survey in November'.
- 4.7.4 A Biodiversity Net Gain (BNG) assessment has been conducted for this development which is encouraging, however the predicted loss of -64.71% habitat units is disappointing. No plans were suggested as how to compensate for this loss and provide additional net gain. While the gain in hedgerow units is encouraging, BNG good practice guidelines asks for gain in like-for-like habitat, and so the gain in hedgerow units in no way mitigates for the loss of habitat units. Additionally, this BNG calculation is based on results from the field survey that was undertaken in January, meaning any baseline measurements calculated are likely an extreme underestimation of the true value of the site.
- 4.7.5 Lincolnshire Wildlife Trust has a clear and transparent approach to responding to planning and development applications across Greater Lincolnshire, from the Humber to The Wash. We are consistent in this approach within reason, and, subject to staff resource availability at the time.
- 4.7.6 Where we have capacity, we work with developers and local authorities to maximise meeting the needs of our local communities and wildlife, including through ensuring the dual biodiversity and climate change crises are recognised within the planning process.
- 4.7.7 As part of that approach, we have and will continue to advocate that developers should now be addressing these crises, including through delivering Biodiversity Net Gain, irrelevant of the mandatory date in two months time. Natural and semi-natural habitats often deliver multiple services to society, from carbon sequestration to flood risk management to mental well-being benefits. Developers should be seeking to capture and build upon these services from the outset, and importantly, many are doing now.
- 4.7.8 This development is being proposed on unallocated land within the Local Plan (2011-2036). It is within a parcel of land that directly backs onto Bourne Wood. This encroachment on unallocated land in such a sensitive location adjacent to one of Lincolnshire's premier woodland complexes, with ancient and semi-natural woodland is just not acceptable to us, particularly when the applicant is making minimal effort to address the biodiversity and climate change crises. This sets a precedence for development on unallocated land next to this Local Wildlife Site.
- 4.7.9 In regards to BNG calculations, we acknowledge there is an uplift in linear feature units through the proposed planting, but this does not address the biodiversity unit loss for habitats and the service those habitats provide.

- 4.7.10 The requirement for burden of proof lies with the applicant, not those that respond to applications. We believe this development sets a precedence in regards to building on unallocated land adjacent to Local Wildlife Sites, and that the applicant has failed to provide adequate evidence to persuade us that there will not be an adverse impact or that they are delivering a net gain for biodiversity.
- 4.7.11 I confirm this email response can be placed on the planning portal and shared with the applicant. This is our current position, and the Trust **OBJECTS**.

4.8 **Bourne Town Council:**

4.8.1 Objection

4.8.2 At a meeting of Bourne Town Council on the 20th July 2023 the following objections were recorded in relation to application S23/1177:

- 1) That the site is not allocated for employment in the emerging Local Plan.
- 2) That the application is contrary to policy SP4 - Edge of Settlement – This policy requires substantial support from the local community.
- 3) SP2d - This development would be an inappropriate as edge of settlement as there is no other development adjacent to the proposed site.
- 4) SP4c - This development would not be adjacent to the existing pattern of development.
- 5) EN1 - This development would not be appropriate to the character of the landscape.
- 6) EN2 - This development would have a detrimental effect on the biodiversity of the site.
- 7) EN5 - Possible flooding issues require mitigation.
- 8) EN3 - This development would have an adverse effect on the green infrastructure of the site.

4.8.3 Various other concerns were voiced by the Town Council's members including increased volumes of traffic and increase in noise and pollution.

4.9 **Bourne Civic Society:**

4.9.1 Bourne Civic Society strongly objects to the proposed development:

4.9.2 It is opposed to the Local Plan as follows:

- 4.9.3 SD1 j,k and l – it would detract from the character of the area and the natural environment with a negative impact on ancient woodland and wildlife and the setting of the ancient woodland and open land and cultural and heritage assets.
- 4.9.4 SP2d – it would be an inappropriate edge of settlement development - it is a green field site adjacent to a historic farmhouse and to the ancient woodland and wildlife site of Bourne Woods and surrounding land.
- 4.9.5 SP4a – this particular location was overwhelmingly not supported for a supermarket development in the community consultation.

- 4.9.6 SP4b – it is totally inappropriate in size, scale, layout and character to the setting and area.
- 4.9.7 SP4c – it would not be adjacent to the existing pattern of development.
- 4.9.8 SP4d – it would be obtrusive into open countryside and inappropriate and out of character with the landscape, environmental and heritage characteristics of the area.
- 4.9.9 EN1 – it would not be appropriate to the character of the area and detract from significant natural, historic, and cultural attributes and features of the ancient woodland, local wildlife and the historic interest of Park Farm and the natural spring at the Blind (chalybeate) Well.
- 4.9.10 EN2 – it would be damaging to green infrastructure and biodiversity and result in the loss, and deterioration of habitats, including ancient woodland.
- 4.9.11 EN3 – it would have an adverse effect on green infrastructure and biodiversity. Any benefits completely fail to outweigh impact.
- 4.9.12 EN4 – it would substantially increase environmental pollution with greatly increased traffic and vehicle emissions.
- 4.9.13 EN5 – the site has too high a flood risk.
- 4.9.14 EN6 – the site detracts from the historic environment – it is adjacent to the Ancient Woodland and Local Wildlife site at Bourne Wood. It is a historic archaeological environment.
- 4.9.15 DE1 – the proposed design has no architectural merit, is totally inappropriate in this location, and makes no attempt whatever to comply with local distinctiveness, vernacular and character and local identity of the area.
- 4.9.16 The adjacent Park Farm and its outbuildings have been designated as Heritage Assets under the draft Local List.
- 4.9.17 It would also be inappropriate to planned future development, and contrary to the Bourne Parish Neighbourhood Plan, in which 70% of respondents to the BPNP consultation deemed this location to be unsuitable for development.
- 4.9.18 Bourne Civic Society, which reviews all planning applications, was not consulted under the requirement for community involvement

4.10 **Friends of Bourne Woods:**

Initial Comments - Objection

- 4.10.1 This application is on a greenfield site which has been excluded from the Local Plan due to its proximity to Ancient Woodland. This is the Friends main reason for objection - as this application is likely to harm the woodland. The site is also outside the current curtilage of the town.
- 4.10.2 In the Aldi application they state in their Ecological Impact Statement, page 3 that there is a 64.61% biodiversity loss, obviously changing a grass field with mature hedgerows into a supermarket with car park will reduce significantly any biodiversity. The loss of grassland will mostly affect our pollinators which are already struggling.

- 4.10.3 The additional noise and air pollution will affect the wildlife in the neighbouring fields and in the nearby woodland, and possibly further afield - affecting the air quality of the town. There is also likely to be an increase in litter - which can be harmful to wildlife, people and pets - from experience car parks normally attract litter which can find its way into hedgerows/ditches.
- 4.10.4 The Friends would argue that Great Crested Newts may be present at the site - they are present in the community orchard, and local gardens and in the neighbouring fields so may well indeed use the site when they are not using ponds - as the field survey was conducted in January - no evidence either way would be seen.
- 4.10.5 The field acts as a firebreak currently if there were to be a fire in the woods - there have been minor fires already in the wood this year due to the dryness.

Final comments

- 4.10.6 Objection maintained for the reasons above and the following:
- 4.10.7 Woodland needs a buffer around it for the benefit of wildlife which use these areas to feed and live as well as using the wood. Currently this field provides such an area, along with established hedgerows on two sides which provide further habitat. Although the grassland may not be rich agricultural land, its use as grazing land provides extra insects which in turn help birds and wildlife living nearby.
- 4.10.8 The offer by the applicant to provide funding to Lincolnshire Wildlife Trust for a site elsewhere in the County does not help the wildlife currently using this site and implies that the only land in future that we will need is nature reserves - when nature and humans should be making room for one another and living side by side.

4.11 Natural England:

- 4.11.1 No Objection.
- 4.11.2 Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impacts on designated sites and has no objection.
- 4.11.3 Math and Elsea Wood Site of Special Scientific Interest (SSSI)
- 4.11.4 Math and Elsea Wood SSSI site consists of two adjoining, ancient semi-natural woodlands that have developed on sand overlying clay and adjacent fen gravel. Elsea Wood has a high forest structure; while Math Wood has a coppice-with-standards structure. Both woods have a rich ground flora with a species distribution tending to vary with the soil drainage. Both woods are in unfavourable-recovering condition status. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the SSSI site has been notified and has no objection.

- 4.11.5 Further information in regards to Natural England's advice on ancient woodland can be found below.
- 4.11.6 Soils and Agricultural Land Quality
- 4.11.7 From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20ha 'best and most versatile' (BMV) agricultural land.
- 4.11.8 For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- 4.11.9 Further guidance is available in The British Society of Soil Science Guidance Note 'Benefitting from Soil Management in Development and Construction' which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

Other Advice

Biodiversity Net Gain

- 4.11.10 The application documents include an Ecological Impact Assessment which has used the 3.1 metric to illustrate the impact that the development will have on local biodiversity. This report identifies that the proposed development will result in a net loss of -2.91 biodiversity units (habitats), which is equivalent to 64.61% of the baseline habitat value. We also note that the retention of existing hedgerows and planting of new species-rich native hedgerows will result in an uplift of 1.1 linear biodiversity units, a net gain in hedgerow habitats of 79.17%. However, the conclusion of the assessment is that it is not possible to achieve a biodiversity net gain on this site and the proposed development will result in a net loss in biodiversity value.
- 4.11.11 Whilst Biodiversity Net Gain is not yet a mandatory requirement, Natural England recommend that this proposal should seek to deliver a Net Gain to comply with guidance set out in the National Planning Policy Framework (NPPF – paragraphs 174d, 179b and 180d) and Policy EN2: Protecting Biodiversity and Geodiversity of the South Kesteven Local Plan. Net gain outcomes can be achieved both on and/or off the development site. As no off-site habitat enhancements have been included within the application at this

stage, it is advised that the applicant is asked to consider the provision of biodiversity enhancements on an appropriately located site.

Ancient Woodland, Ancient and Veteran Trees

4.11.12 Math and Elsea Wood is classified as Ancient and Seminatual Woodland. You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken in account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

5 Representations as a result of Publicity

5.1 495 representations were received following the initial consultation following the submission of the planning application. The main representations are summarised below:

5.2 Support x 170:

- Easy access available
- Good parking provision (including disabled)
- Public toilets
- Would sit comfortably next to woods
- Would increase retail choice
- Would create good jobs
- Would reduce environmental impact through shorter car journeys

5.3 Objection x 325

- Greenfield site
- Negative town centre impact
- Woodland impact
- Highways impact and lack of pedestrian links
- Character impact when approaching Bourne from west
- Bourne doesn't need another supermarket
- Skewed public consultation in favour of scheme
- Light pollution
- Ecological report undertaken at wrong time of year
- Air pollution
- Drainage buffer removed – flood risk
- Site not allocated in Local Plan
- Noise pollution
- Does not meet policy SP4 criteria
- Ecological impact
- Paragraph 147 NPPF – Green Belt impact

5.4 In addition, 4 representations were received neither supporting nor objecting to the scheme, but making the following comments:

- Should ensure suitable pedestrian links
- Designated employment site would be better
- Why apply for a non-designated site? Suggests permission already agreed
- Speed reduction along West Road should be imposed

5.5 38 representations were received following the further consultation carried out by the Council after receipt of additional highway and biodiversity information from the Applicant. The main representations are summarised below:

5.6 Support x 2:

- Need for further supermarket on west side of Bourne
- As a daily user of the roundabout do not consider it to be busy

5.7 Objection x 36:

- Biodiversity and BNG queries
- Changes to land allocations to the east of Bourne – more appropriate to be located there
- No need for further supermarket
- Traffic impact
- Design out of keeping
- Delivery noise
- Ruin appearance of town on approach
- Other brownfield sites available
- Invest in high street not supermarkets
- NOT supported by locals
- Flood risk
- Not an allocated site
- Contrary to Policy SP4
- Fire Risk
- Beyond settlement boundary
- Would this prevent a northern ring road?
- Impact on residential amenity and well-being
- Need Doctors and dentists
- Other roundabouts on Raymond Mays Way much better.

6 Evaluation

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District, and is the basis for decision-making for the current application. While Bourne Neighbourhood Plan Group are developing a Neighbourhood Plan, it is not yet at a stage that is afforded any weight in terms of decision making.

6.2 In addition, the Lincolnshire Minerals and Waste Local Plan forms the development plan for the District in relation to minerals planning.

6.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is material consideration in the determination of planning applications.

6.4 The policies and provisions of the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

6.5 Principle of development

6.5.1 Policies SP1 and SP2 of the adopted Local Plan directs the majority of new development towards Grantham first and foremost, then to locations in and around the market towns within the District, including Bourne.

6.5.2 The site lies at the edge of the settlement adjacent to existing development, including in the new Elsea Park housing estate of circa 2,000 dwellings. As such the relevant policy for the consideration of this application is Policy SP4: Development on the Edge of Settlements. Policy SP4 says that “proposals for development on the edge of a settlement, as defined in Policy SP2, which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria a – f below are met. The proposal must:

- a. demonstrate clear evidence of substantial support from the local community* through an appropriate, thorough and proportionate preapplication community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;*
- b. be well designed and appropriate in size / scale, layout and character to the setting and area;*
- c. be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;*
- d. not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;*
- e. in the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and*
- f. enable the delivery of essential infrastructure to support growth proposals.*

** the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application consultation exercise.*

6.5.3 The application includes a Statement of Community Involvement (SCI) which sets out details of the pre-application consultation that the applicant’s entered into, and provides an account of the feedback they received. It details engagement with key stakeholders (including Councillors), engagement with the community (through a virtual public exhibition

and website, in-person consultation event, press releases and coverage, and social media).

6.5.4 The responses to this engagement are then documented, with the following results:

- 62.1% of respondents were in favour of the proposals in principle (347/568), whilst 32.4% were against it in principle (181/568)
- 66.2% thought the new store would benefit the area (370/568) against 27.7% who felt it would not benefit the area (155/568)

6.5.5 There was also more detailed commentary provided, with many of the issues raised subsequently during the Council's consultation on this application apparent. Issues raised including highways impact, pedestrian safety, impact on the town centre, impact on Bourne Wood, loss of green space, impact on amenity are discussed in the SCI.

6.5.6 In summary, it is considered that the SCI submitted meets the requirements of the test in Policy SP4a – that the scheme can demonstrate clear evidence of substantial support from the local community at the point of the submission of the application through an appropriate, thorough and proportionate preapplication community consultation exercise. The fact that this application has been subject to a different ratio of objections-letters of support during the consultation period does not negate the fact that the scheme can demonstrate substantial support at the point of submission, which is the requirement set out in the footnote to Policy SP4. The site is also adjacent to the existing pattern of development for the area and therefore complies with Policy SP4c. The requirements of Local Plan Policy SP4 b, d and f are discussed further in the relevant sections of this report below. SP4e is not relevant to this proposal as it relates to housing developments.

6.6 **Effects of the proposal on the town centre**

6.6.1 Local Plan Bourne Town Centre Policy BRN2 states: *“a sequential approach will be applied to the location of proposals for main town centre uses which prioritises sites within the town centre ahead of edge of centre sites. Out of centre locations will only be considered if sequentially preferable sites are not available.*

6.6.2 *Retail impact assessments are required to accompany proposals for main town centre uses in edge of centre or out of centre locations where the gross floorspace proposed is above 1000sqm.”*

6.6.3 The application proposes a discount food store of over 1,000 sq metres in floorspace – as such a retail impact assessment is required. Retail development falls within use Class E and is a main town centre use as defined by the NPPF Annex 2 Glossary.

6.6.4 The sequential test requirement is set out in Paragraph 91 of the National Planning Policy Framework (NPPF) and states that local planning authorities should apply a Sequential Test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Applications for main town centre uses should be required to be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be

considered. Paragraph 92 states that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities are urged to demonstrate flexibility on issues such as format and scale as part of the sequential approach to new retail development.

- 6.6.5 In addition to a sequential test, paragraph 94 of the NPPF states that a retail impact assessment is required to accompany proposals for main town centre uses in edge of centre or out of centre locations where the gross floorspace proposed is above 2,500 sqm unless there is a locally set threshold.
- 6.6.6 Paragraph 95 of the NPPF instructs that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.
- 6.6.7 An independent review of the submitted Retail Impact Assessment and Sequential Test has been carried out by Urban Agile to provide expert advice on the assessment of these key retail tests. The initial response raised some specific points, which the applicant's subsequently addressed via the submission of an Addendum document. Urban Agile's advice to the Council is as follows:
- 6.6.8 *"Further to our previous advice to the Council in respect of the above application, I now write to provide comment on the 'Supplementary Note (The Sequential Test)' submitted by Avison Young on behalf of the applicant. The application proposes the development of a foodstore with associated works and we have advised the Council on retail planning policy matters.*
- 6.6.9 *In our previous advice, we recommended that the applicant provided further clarification relating to the primary catchment of the proposed development. This was considered relevant to the search for alternative sites required by the sequential test and for compliance with paragraphs 87 and 88 of the NPPF and Policy BRN2 of the South Kesteven Local Plan. Specifically, we noted that the submitted Planning and Retail Statement (PRS) made contradictory references to the extent of the primary catchment area and whether this comprised a 5-minute drive-time from the application site or a 10-minute drive-time. No mapping had been provided to show the extent of the proposed catchment area or to confirm the Bourne Town Centre was the only defined centre within this area. The additional information now received seeks to address these matters.*

Primary Catchment Area

- 6.6.10 *The Supplementary Note provides details of a 10-minute drive-time catchment area with mapping attached at Appendix 1. As such, we now assume that references to a 5-minute drivetime within the original PRS should be disregarded. The catchment area mapping appears to have been sourced from Experian. It shows an area comprising Bourne and outlying settlements including Grimsthorpe, Manthorpe and Thurlby, extending along A-roads to also include the villages of Baston, Carlby and Morton. We consider the 10-minute drive-time isochrone to represent an appropriate catchment area for the proposed development, reflecting the relatively rural context of the application site and the likely*

trade draw of a foodstore of this size. It is also consistent with the approach taken in respect of other foodstore proposals in Stamford and Market Deeping. We therefore welcome this clarification and consider the assumptions made in respect of the primary catchment area to be reasonable.

Sequential Test

- 6.6.11 *As stated in our previous advice, the search for sequentially preferable sites should be related to the catchment area of the proposed development. The mapping shown at Appendix 1 of the Supplementary Note confirms that Bourne Town Centre is the only defined centre within the primary catchment area. None of the smaller settlements within the catchment area are identified as town, district or local centres by the South Kesteven Local Plan. The town centre at The Deepings is outside of this 10-minute drive-time area and the existing evidence on shopping patterns discussed in our previous advice (and highlighted in the Supplementary Note) confirms that this town centre serves a materially different catchment area. As such, we are satisfied that it is not necessary for the applicant to consider sequentially preferable sites within and on the edges of any other centres within the District. We have previously concluded that there are no sequentially preferable sites within or on the edges of Bourne Town Centre that would both be suitable and available for the proposed development.*
- 6.6.12 *Accordingly, following the additional information now provided, we are satisfied that the application scheme complies with the sequential test set out at paragraphs 87 and 88 of the NPPF, and Policy BRN2 of the South Kesteven Local Plan.”*
- 6.6.13 During the life of this application, the Council asked the applicant to consider the Jewson site at Great Northern Gardens, Bourne which had recently become vacant. The applicant considered this site to be out of centre and also discounted it as being unsuitable, as they considered it too small to accommodate the proposed development. The Council sought further advice from Urban Agile on the consideration of this site, who advised as follows:
- 6.6.14 *“When measured from its southern extent on South Street, we believe the application site to be 250 metres from the secondary shopping frontage at its closest point. It is therefore our view that the Jewson site should be considered to be edge-of-centre for the purposes of the sequential test.*
- 6.6.15 *Notwithstanding this conclusion, we note that paragraph 92 of the NPPF states that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the town centre. It is our view that, given its relative proximity, the Jewson site is better connected to the town centre than the application site and would therefore be sequentially preferable, even if it were to be considered to be an out-of-centre site.”*
- 6.6.16 However, in relation to the suitability of the site, they advised as follows:
- 6.6.17 *“Whilst we are not in a position to provide the Council with any detailed advice on highways matters, we consider that the provision of significantly less car parking than proposed as part of the application scheme would be likely to undermine the trading performance of the proposed development and/or result in unacceptable impacts on*

highway safety. In the alternative, a significant reduction in the size of the proposed foodstore would be likely to go beyond reasonable expectations for flexibility and result in a significantly different scheme to that proposed by the applicant. It is therefore our view that the Jewson site is unlikely to be suitable for the proposed development.

- 6.6.18 *In summary, whilst we consider the Jewsons site to be sequentially preferable to the application site at West Road and to be available for development, we do not consider it to be suitable for the proposed development even when adopting a significant degree of flexibility.”*
- 6.6.19 Officer’s have considered the applicant’s assessment of alternative sites and the expert advice from Urban Agile and agree that there are no sequentially preferable sites to the application site for the proposed development, that are both available and suitable. This includes the vacant Jewson’s site, even when adopting a significant degree of flexibility. As such, the sequential test is considered to be passed and the proposal in this respect complies with Local Plan Policy BRN2 and the NPPF paragraphs 91 and 92.
- 6.6.20 In terms of retail impact, the applicant’s submitted a Planning and Retail Statement dated May 2023. The assessment includes a review of the health of the town centre against an appropriate selection of vitality and viability indicators and concludes that the proposal’s convenience turnover will primarily be diverted from the existing main-food supermarkets that serve Bourne, i.e. Tesco, Sainsbury’s and Lidl. The assessment anticipates that the convenience trade diversion from those stores would equate to trading impacts of -13.2%, -13.5% and -15.7% respectively. However, that level of impact is not expected to threaten the viability of Tesco, Sainsbury’s or Lidl and given their out of centre locations those stores do not benefit from planning policy protection in any case.
- 6.6.21 In terms of retail impact on the convenience trade in the town centre, the report assesses this to be -4.1% which is asserted not of an order which would result in a significant adverse impact on the vitality and viability of centre as a whole. In respect of Retail Impact, Urban Agile provided the following advice:
- 6.6.22 *“In terms of impacts on town centre vitality and viability, we acknowledge that the trade impacts of the proposed foodstore are most likely to fall on existing edge and out-of-centre foodstores within Bourne. These facilities are not afforded any planning policy protection. We have suggested that, in our opinion, the applicant’s assessment of trade diversion may have underestimated impacts on facilities within Bourne Town Centre which have a market share of 5.9% within Zone 1 of the study area. If we assume that trade diversion from the town centre accounts for 5% of the turnover of the application scheme, then this would result in trade impact of just under -9% at 2027 (based on the turnover figures provided within the PRS).*
- 6.6.23 *However, it is important to recognise that convenience retail expenditure accounts for a relatively small proportion of the overall turnover of Bourne Town Centre. The SKRS (Table 10 of Appendix 7) indicated that in 2026 the town centre would have a comparison retail turnover of £43.18 million. Set against a combined retail turnover of almost £50 million, the trade impact of the application scheme would be proportionally lower. Furthermore, given the relatively specialised nature of the town centre’s convenience offer, we do not consider that the proposed development at West Road is likely to have significant adverse impacts.*
- 6.6.24 *In terms of impacts on investment within town centres, we are not aware of any planned investment in Bourne Town Centre. The only planned town centre investment that we are*

aware of is the proposed new foodstore on land to the east of The Deepings Shopping Centre in Market Deeping. The Council has recently resolved to grant planning permission for this development. Although not accounted for within the applicant's impact assessment, we note that the household survey undertaken to inform that assessment showed that the trade draw of foodstores in Market Deeping on residents in the Bourne area was negligible. We would not expect the new foodstore within the town centre at Market Deeping to have any significant bearing on these established shopping patterns or to lose any significant trade to the application scheme. Accordingly, we do not consider that the proposed development is likely to have any significant adverse impacts on in-centre investment.

6.6.25 *In summary, we are generally satisfied that the proposed development is unlikely to give rise to significant adverse impacts on Bourne Town Centre and other defined centres. This is because the trade impacts of the proposed foodstore are likely to mainly fall on existing foodstores outside of defined centres that currently have dominant market shares. We are also unaware of any planned investment in Bourne Town Centre that is likely to be affected by the application scheme. Whilst there are proposals for a new foodstore in the town centre at Market Deeping, evidence relating to existing shopping patterns indicates that a new foodstore in Bourne will not have material impacts on such an investment. We can therefore confirm that the proposed development accords with paragraph 90 of the NPPF and Policy BRN2 of the Local Plan."*

6.6.26 Officer's have considered the applicant's assessment of retail impact and the expert advice from Urban Agile and agree that the proposed development will not give rise to significant adverse impacts on the town centre. In summary, the proposal is considered to accord with policy BRN2 of the adopted Local Plan and the NPPF (section 7), Ensuring the Vitality of Town Centres, as there is no sequentially preferable sites available that are suitable for the proposed development and the proposed development will not give rise to significant adverse impacts on the town centre.

6.7 Effects of the proposal on Visual amenity and the Character of the Area

6.7.1 Policy DE1 of the Local Plan requires new development to be of high-quality design. It sets out the following relevant stipulations:

- Make a positive contribution to the local distinctiveness, vernacular and character of the area
- Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape/townscape character of the surrounding area
- Proposals should be of an appropriate scale, density, massing, height and materials, given the context of the area
- Ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to feature that minimise crime and the fear of crime
- Retain and incorporate important on-site features, such as trees and hedgerows and incorporate, where possible nature conservation and biodiversity enhancement into the development
- Provide well designed hard and soft landscaping

6.7.2 As set-out above Local Plan Policy SP4b and d require:

b) be well designed and appropriate in size / scale, layout and character to the setting and area;

d) not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area.

- 6.7.3 Local Plan Policy EN1 states that *“Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.”*
- 6.7.4 Policy EN3 states: *“The Council will maintain and improve the green infrastructure network in the District by enhancing, creating and managing green space within and around settlements that are well connected to each other and the wider countryside.”* The policy states that proposals that cause harm to the District’s green infrastructure network will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts. It also states that where adverse impacts on green infrastructure are unavoidable, *“development will only be permitted if suitable mitigation measures for the network are provided”*
- 6.7.5 Paragraph 135 of the NPPF requires developments to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.7.6 The site falls partly within the ‘Kesteven Uplands’ and partially within the ‘Fen Margin’ Character Area in the South Kesteven Landscape Character Assessment (published in 2007). The site lies to the south of Bourne Wood which is a historic woodland designated as Ancient Woodland. Restricted Byway Ref: Bour 21/1 passes to the immediate west of the site, running between West Road to the south-west and Bourne Woods to the north.
- 6.7.7 The existing site displays some characteristics of the Kesteven Uplands and Fen Margin Character Areas, with a native boundary hedgerow running along West Road and the extensive woodland at Bourne Wood to the rear of the site. However, the significant residential built form and highway infrastructure in close proximity of the site provide urban edge characteristics.
- 6.7.8 It is also important to note that the site is a key gateway site on approach to Bourne, and that any development of it would need to ensure that it is appropriate from that perspective. Inevitably, Aldi has a design approach and certain operational requirements that impact on the general form of the building and its surroundings – this results in a fairly homogenous approach to their shops around the country. Therefore, it is important to ensure that the materials and landscaping details are appropriate to ensure that they represent a suitable design with respect to the site, its surroundings and the policy position.
- 6.7.9 The landscape and visual appraisal submitted with the application assesses the landscape to be of local value, medium susceptibility to change and low to medium sensitivity to development. Adverse effects of the proposal are limited to the loss of part of an agricultural field managed as pasture, set against the urban edge context. The

assessment concludes that the landscape effects would be highly localised and limited to the site itself and its immediate context north of West Road adjacent to the roundabout junction and residential edge at the gateway to the settlement. Officers agree with this assessment in terms of the landscape effects of the proposal.

- 6.7.10 In terms of effects on visual amenity these would also be localised and limited to residents at the settlement edge to the east and south-east, as well as users of the Restricted Byway to the west of the site, and the users of the local road networks within the immediate vicinity of the site. Other than visual effects, the byway would remain unaffected by the proposal.
- 6.7.11 The new unit would sit in the north-east corner of the site, behind the car parking and deep landscaped boundaries. From the front the view would be of a largely glazed elevation, with some timber cladding. The result is a scheme that would sit comfortably within its site and create a visually pleasant new gateway into Bourne from the West.
- 6.7.12 The applicant has amended the design to take into account comments made by the Council's Urban Design Officer, and other consultees, during a Design Meeting held to discuss the application. The changes were as follows:
- Provision of additional cycle storage places, which have been incorporated through the inclusion of a cycle shelter to the south of the store, adjacent to the EV charging spaces
 - Increased soft landscaping along the northern boundary to create a stronger landscaped edge to the development and reinforce the separation between the site and the open countryside and Bourne Wood to the north
 - Additional timber cladding to soften views of the store
 - New location for boundary fence to the north, so that the fence itself is obscured from view by the landscape planting
- 6.7.13 Alongside these changes, the applicant submitted a Landscape Strategy, which establishes a number of landscape objectives that will then be secured via condition.
- 6.7.14 The proposal, as amended, would result in the delivery of a new shop in a relatively contemporary style, with an appropriate mix of facing materials. It would create a positive addition to the street scene, and one that would create a sense of arrival when approaching Bourne from the west. The enhanced landscaping proposals would deliver an appropriate diversity of trees and planting, which would add to the visual enhancement to the street scene that would be created.
- 6.7.15 The proposals have been designed to respect the needs of people with disabilities, with pedestrian routes through and into the site suitable for all members of the community. This includes the use of contrasting tactile paving and dropped kerbs, as well as good natural surveillance and appropriate external lighting.
- 6.7.16 Further to the above, the proposal is considered to adhere to the requirements of Local Plan Policies DE1, EN1, EN3, SP4b and d and Paragraph 135 of the NPPF which is a material consideration.

6.8 **Impact on Residential Amenity**

- 6.8.1 Policy DE1 seeks to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light.
- 6.8.2 Paragraph 135 of the NPPF requires development to create a high standard of amenity for existing and future users.
- 6.8.3 The application site is not close to existing residential development. Due to the nature of the use, it is not expected that significant levels of noise would occur as a result of the development. This is supported by the noise assessment and lighting details submitted with the application proposals.
- 6.8.4 The Council's Environmental Health officers have raised no concerns with the proposals in relation to noise or light pollution. However, it is considered necessary to condition both the timing of deliveries (so that they do not take place through the night) and further detail on external lighting – to ensure that the operating hours and level of illumination are appropriate.
- 6.8.5 As such there would be no significant impacts in relation to amenity for nearby property occupiers in terms of noise or light pollution. The application is therefore considered to meet the requirements of Local Plan Policies DE1 and EN4 and Paragraph 135 of the NPPF.

6.9 Impact on Highways

- 6.9.1 Policy ID2 requires all new developments to demonstrate that they have applied the following principles:
- a) *Are located where travel can be minimised and the use of sustainable transport modes maximised;*
 - b) *Reduce additional travel demand through the use of measures such as travel planning, safe and convenient public transport, dedicated walking and cycling links and cycle storage/parking links and integration with existing infrastructure;*
 - c) *Seek to generate or support the level of demand required to improve, introduce or maintain public transport services, such as rail and bus services;*
 - d) *Do not severely impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements, including the provision of new or improved highway infrastructure; and*
 - e) *Ensure that transport is accessible to all, including appropriate provision for vehicle, powered two wheeler and cycle parking is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility.*
- 6.9.2 Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.9.3 Following the submission of further off-site highway improvements LCC Highways have advised as follows: *“The planning application is supported by a Transport Assessment and Travel Plan which considers the impact of the proposed development on the highway network and to improve accessibility and safety for all modes of travel, particularly for*

alternatives to car. The detailed information concludes that no significant impact will occur on the existing local highway network.

6.9.4 *The development generated traffic, trip distribution and the junctions modelled for the existing situation have been used to analyse the future year scenarios of '2028 Base' (incorporating expected growth from 2023) and '2028 Base + development.' The analysis shows that in the 2028 Base + Development scenario, all junctions will continue to operate within their theoretical capacity with either no or low queuing. The addition of the traffic generated by the development is, therefore, predicted to have only a negligible impact on the operation of all of the assessed junctions. As such, the proposed development will not result in anything approaching "severe" cumulative impacts at local junctions ("severe" being the term used in the NPPF to describe impacts that may prompt the refusal of planning permission) so that the proposals are acceptable in relation to traffic impact.*

6.9.5 *There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:*

- The highway network is over-capacity, usually for period extending beyond the peak hours*
- The level of provision of alternative transport modes*
- Whether the level of queuing on the network causes safety issues*

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF."

6.9.6 In line with the NPPF, safe and suitable access is to be provided for all. The proposal will generate increased pedestrian movements to the site and currently there is no provision for a safe and direct route from the Elsea Park Development. The Applicants are now proposing to address this issue by providing a footway from Welland Drive, with a pedestrian island at the junction. These details are indicatively shown on drawing number AMA/40046/D/100 dated 04/12/2023. These proposals will be subject to a S278 Agreement with Lincolnshire County Council.

6.9.7 Therefore, with appropriate conditions applied, it is considered that the scheme is able to meet the requirements of Policies ID2, SP4f of the Local Plan and the NPPF with respect to its impact on the highway network and pedestrian safety.

6.10 **Flood Risk and Drainage**

6.10.1 Policy EN5 of the Local plan states a Flood Risk Assessment (FRA) will be required for all development in Flood Zones 2 and 3 and for sites greater than 1 hectare in Flood Zone 1, and where a development site is located in an area known to have experienced flood problems from any flood source, including critical drainage.

6.10.2 All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and

including the 1% Annual Exceedance Probability (AEP)* storm event with an allowance for climate change. The appropriate climate change allowances should be defined using relevant Environment Agency guidance. Surface water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDs) unless it is demonstrated to be technically unfeasible. All planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged.

- 6.10.3 A Flood Risk Assessment and Drainage Strategy was submitted with the application, which confirms that the site is located entirely within Flood Zone 1 and so is classified as having a low probability of river or sea flooding. It also confirms also that retail buildings are a “less vulnerable” use as classified by the NPPF which are acceptable uses within Flood Zone 1. The FRA also considers flood risk from other water sources and determines that the site is at low risk of surface water flooding; negligible risk of ground water flooding; no risk of sewer flooding; no risk of flooding from reservoirs or canals; and no risk of flooding from other natural or artificial sources.
- 6.10.4 The proposed development would increase hard surfaces that generate surface water run-off and therefore an effective surface water drainage strategy is necessary. It is proposed to incorporate a stormwater attenuation system designed to limit surface water discharge rates to greenfield run-off rates which have been calculated at 3.4 litres/ second. This would discharge into the watercourse on the southern boundary of the site. The attenuation volume has been calculated taking into account 1 in 100 year rainfall events and including a climate change allowance.
- 6.10.5 The Local Lead Flood Authority have raised no objection to the proposals, nor has Anglian Water, and nor has the Internal Drainage Board. The drainage strategy would ensure that the proposed development will not result in flooding within the site or elsewhere and that surface water can be attenuated and discharged through the use of sustainable drainage solutions.
- 6.10.6 In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.

6.11 **Climate Change**

- 6.11.1 As discussed above, the application proposals would be located on the edge of a market town and accessible by sustainable modes of transport. As such, the application scheme would be consistent with the locational principles of the local plan. The Design and Access statement states that the applicant’s regional distribution centres have been set up across the UK to supply 80-90 stores only, which minimises the amount of road travel and lowers the carbon footprint of the distribution operation. The car park would also include 4 electric vehicle charging spaces and provision for cycle parking.
- 6.11.2 In respect of the sustainable credentials of the proposed built-form, the submitted Design and Access Statement states that energy efficient freezers and LED lighting are used. A heat recovery system from the chiller and freezer condensers along with Air Source Heat Pumps (ASHP’s) would provide the store heating provision from wasted machinery heat and renewable sources.

- 6.11.3 However, the building will incorporate the use of energy efficient and sensor controlled lighting in order to seek to reduce the energy requirements of the building. Similarly, as discussed above, the rationale for the proposed development is to enable the co-location of food processing and storage facilities on the same site, thereby reducing the need to transport materials off-site, and as a consequence reducing food miles, and the associated carbon emissions from vehicles involved in the process.
- 6.12 Taking the above into account, it is Officers' assessment that the application proposals would represent sustainable development when assessed as a whole, and would accord with the requirements of Policy SD1 and SB1 of the adopted Local Plan.
- 6.13 **Ecology and Biodiversity**
- 6.13.1 Policy EN2 of the Local Plan requires that the council facilitates the conservation, enhancement and promotion of the District's biodiversity. For planning applications, this means refusing applications that result in the loss, deterioration or fragmentation of irreplaceable habits, including ancient woodland and aged or veteran trees, unless the needs for and benefits of the development in that location clearly outweigh the loss of harm.
- 6.13.2 Lincolnshire Wildlife Trust initially objected to the scheme, citing concerns about the proximity of the site to the Local Wildlife Site (LWS) Bourne Woods, which sits a short distance away to the North. They have also advised that the Phase 1 Habitat Survey undertaken by Middlemarch is not considered sufficient, as survey work was undertaken in January, which is not considered to be the best time of year for such work. They also raised concerns with the biodiversity net gain assessment (BNG), in that it does not provide a like for like replacement for lost habitat.
- 6.13.3 The Town Council has also raised concerns with the submission in respect to biodiversity/ecological impact.
- 6.13.4 Natural England have raised no objection to the proposals, including in relation to the time of year the survey work was undertaken. Likewise, the Environment Agency has raised no objection to the scheme.
- 6.13.5 In response to the Lincolnshire Wildlife Trust, the applicant first provided a formal comment, calling into question the voracity of the consultation response. They also pointed out that the consultation response contained no actual evidence of negative impact on Bourne Wood and no detailed account of inaccuracies within Middlemarch's Phase 1 Habitat Survey.
- 6.13.6 An updated walk-over survey report confirming the findings of the earlier report was also provided at this stage in the consideration of the application (29 August 2023)
- 6.13.7 With respect to BNG, it is the case that the Government only made it mandatory for major planning applications submitted from 12 February 2024. Policy EN2 of the Local Plan requires developments to deliver a net gain "*where possible*", which is not the case for all habitats on this site. It is officer's opinion that, on the basis of the above, the development should compensate for the loss of units on site and deliver a net gain, this does not need to be 10%.
- 6.13.8 At paragraph 186 of the revised NPPF the Government has stated that when determining planning applications, LPAs should refuse planning applications that lead to significant harm to biodiversity where it cannot be mitigated or compensated for.

6.13.9 Given its relevance to the scheme, it is worth setting out what Policy EN3 of the Local Plan says in full:

“The Council, working in partnership with all relevant stakeholders, will facilitate the conservation, enhancement and promotion of the District’s biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.

Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in the Lincolnshire Biodiversity Action Plan, Geodiversity Strategy and the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances:

- *In the case of internationally designated sites (alone or in combination), where there is no alternative solution and there are overriding reasons of public interest for the development.*
- *In the case of National Sites (alone or in combination) where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.*
- *In the case of Local Sites (e.g. Local Wildlife Sites) or sites which meet the designation criteria for Local Sites, the reasons for development must clearly outweigh the long term need to protect the site.*

In exceptional circumstances where detrimental impacts of development cannot be avoided through locating an alternative site) the Council will require appropriate mitigation to be undertaken by the developers or as a final resort compensation. Where none of these can be achieved then planning permission will be refused. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important species.

Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.

Development proposals that are likely to result in a significant adverse impact, either alone or in combination, on any internationally designed site, must satisfy the requirements of the Habitats Regulations.”

6.13.10 An Ecological Impact Assessment (Middlemarch, April 2023) submitted with the application specifically states the following:

“Providing that all recommended avoidance and mitigation measures are implemented, most of the predicted or potential ecological effects can either be avoided or reduced to negligible significance. The few remaining residual adverse effects arising as a result of the proposed development are significant at no greater than the Local (Site) scale and, whilst the permanent loss of habitats cannot be avoided, compensation/enhancement can be provided in the medium to long-term, through the creation of replacement habitat on site with an off-site compensation solution.”

6.13.11 Following further discussions with LWT the applicant has provided a proposed package that will involve investment in habitat creation and improvement elsewhere to compensate

for the loss of habitat on the site. This is set out in the applicant's letter dated 26 March 2024 and includes the following:

- a) a net gain of 79.17% gain in on-site hedgerow habitats; and
- b) a net gain of 2.05% in relation to off-site area habitats.

The above, coupled with the large increase in linear habitats (hedgerows) on the site that can be achieved through the other mitigation proposed would result in an overall increase in BNG units through a combination of on and off-site measures.

6.13.12 Although the further biodiversity information has not led to the withdrawal of the objection from the Friend's of Bourne Wood, or the Town Council, it is considered that on the whole the proposal does meet the requirements of Policy EN2 of the Local Plan and para. 186 of the NPPF, subject to the imposition of an appropriate condition.

6.14 Impact on archaeological assets

6.14.1 Heritage Lincolnshire (as Local Archaeological Advisor) have been consulted on the application proposals and have confirmed that they have no objections, subject to the agreed Written Scheme of Investigation for a programme of archaeological evaluation, and for this field evaluation to be completed prior to the commencement of development on site.

6.14.2 Taking the above into account, subject to conditions, the application proposals would accord with Policy EN6 of the Local Plan, and Section 16 of the Framework in respect of archaeological matters.

7 Conclusion and Planning Balance

7.1 The site is in a sustainable location and has very good levels of accessibility – being within easy walking and cycle distance for both customers and staff employed there. The economic benefits of the proposals are clear in terms of job creation and widening consumer choice. There would also be short-term economic benefits to the local economy during the construction phase of the project. These are positive factors that are attributed significant weight in the planning balance.

7.2 The application meets the requirements of the test in Policy SP4a in that the scheme can demonstrate clear evidence of substantial support from the local community at the point of submission of the application through an appropriate, thorough and proportionate preapplication community consultation exercise. The fact that this application has been subject to a different ratio of objections-letters of support post submission does not negate the fact that the scheme can demonstrate substantial support in accordance with the requirement in Policy SP4. In addition, it is officer's assessment that criteria b)-d) and f) as required by Policy SP4 are also met.

7.3 The proposal is considered to accord with Policy BRN2 of the adopted Local Plan and Part 7 of the NPPF, Ensuring the Vitality of Town Centres, as there is no sequentially preferable site in or immediately adjacent to the identified town centre and the proposed development will not give rise to significant adverse impacts on the town centre.

- 7.4 The proposal is considered to adhere to the requirements of Local Plan Policies DE1, EN1 and EN3 and Paragraph 135 of the NPPF which is a material consideration, as it would deliver a form of development that would result in a suitable impact on a key gateway site into Bourne from a design and character perspective.
- 7.5 There would be no unacceptable impacts in relation to amenity for nearby property occupiers in terms of noise or light pollution. The application is therefore considered to meet the requirements of Local Plan Policies DE1 and EN4 and Paragraph 135 of the NPPF.
- 7.6 The scheme is considered to have an acceptable impact on the highway network, and the enhanced pedestrian crossing on West Road can be secured by condition – such that the scheme is able to meet the requirements of Policy ID2 of the Local Plan.
- 7.7 Given the low risk of flooding, it is considered that a suitable drainage strategy could be achieved and details could be secured by condition if the application is approved. In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.
- 7.8 The application would have significant impacts on the ecological value of the site, but the applicant has proposed a suite of mitigation and off site compensation that will be secured through planning condition and which enable it to meet the requirements of Policy EN2 of the Local Plan and Paragraph 186 of the NPPF by delivering a net biodiversity gain. This matter is therefore considered to be neutral in the planning balance.
- 7.9 The proposed development is therefore considered to be in accordance with the development plan, when taken as a whole, and there are no material considerations to indicate otherwise.
- 7.10 It is therefore recommended that planning permission is approved, subject to the conditions below.

8 Recommendation

- 8.1 The application should be approved, subject to the following conditions:

Time Limit for Commencement

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in

Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - Site Location Plan drawing no. H20A44-STO_ZZ_XX_DR_A_0001
 - Proposed site plan drawing no. H20A44-STO_ZZ_XX_DR_A_0008
 - Proposed Elevations drawing no. H20A44-STO_ZZ_XX_DR_A_0005
 - Proposed Boundary Treatments drawing no. H20A44-STO_ZZ_XX_DR_A_0007
 - Proposed Floor plan drawing no. H20A44-STO_ZZ_XX_DR_A_0004
 - Proposed Roof plan drawing no. H20A44-STO_ZZ_XX_DR_A_0006

Reason: To provide clarity as to what drawings have been approved.

Before the Development is Commenced

3. Before the development hereby permitted is commenced, a written scheme of archaeological investigation (WSI) shall have been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved WSI.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the NPPF (section 16).

4. Prior to the commencement of the development hereby approved, a Biodiversity Compensation Scheme shall be submitted to and approved in writing by the LPA. This shall include a habitat creation method statement to demonstrate how a minimum of 2.92 habitat units will be delivered off-site. The habitat creation shall be implemented in accordance with the approved details and retained thereafter for a period of at least 30 years.

Reason: To ensure that the scheme compensates for the significant harm to ecological habits in accordance with the requirements of Policy EN2 of the Local Plan and Paragraph 180 of the NPPF.

5. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- the timetable of the construction phase to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. In accordance with Policies EN5 and ID2 of the Local Plan and Sections 9 and 14 of the NPPF.

6. Prior to the commencement of development, a scheme for off site highways works relating to a pedestrian crossing of West Road and access to the site (following the principles of General Arrangement Plan drawing no. AMA-40046-D-100) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the use commencing on site, and shall be retained thereafter.

Reason: To ensure a suitable form of pedestrian access is delivered in the interests of highway safety in accordance with the requirements of Policy ID2 of the Local Plan and the NPPF.

7. No development shall commence on site (including preparatory works) until a tree and hedgerow protection plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented in accordance with the approved details throughout the construction phase.

Reason: To ensure that the important, established landscape features are protected during the construction process and to comply with DE1 and EN2 of the South Kesteven Local Plan 2011-2036.

8. Prior to the commencement of the development hereby permitted above ground level, details of the materials to be used in the construction of the external surfaces of the development hereby permitted (including walls at the entrance) shall be submitted to the Local Planning Authority in writing for approval. Sample panels of the proposed external surfacing materials (stonework and a timber) at a least a metre squared (showing where appropriate the proposed coursing, method of pointing of mortar) shall be erected on site for consideration and subsequent approval. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

9. Prior to the commencement of development hereby permitted details of the surface materials for the car park, walkways and areas surrounding the building shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

10. No development shall be carried out (other than site preparation works) until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the measures to be installed together with a timetable for implementation. The works shall thereafter be carried out fully in accordance with the approved strategy.

Reason: To prevent flooding and to comply with Policy EN5 of the South Kesteven Local Plan.

11. No development shall commence on site (other than preparatory works) until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:
 - location of planting together with details of species and size
 - timetable for the planting of shrubs and trees
 - strategy for maintaining and protecting the approved planting

The development shall thereafter be carried out and maintained fully in accordance with the approved scheme.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan (2011-2036).

During Building Works

12. All works on site, including construction works, must be carried out in accordance with the recommendations contained within the Ecological Impact Assessment report ref: RT-MME-159662-04.

Reason: in the interests of best ecological practice, and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

Before the Development is Occupied

13. Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

14. Prior to the first occupation of any part of the development hereby approved, a Travel Plan for employees of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

15. Prior to the store being brought into use, details of external lighting, together with times of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be installed and managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

16. No part of the development hereby permitted shall be occupied (apart from those works indicatively identified on drawing number AMA/40046/D/100 or as specified) before the works to improve the public highway (by means of a new footway and pedestrian crossing) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the development and to improve connectivity and accessibility for pedestrians in accordance with Policies SD1 and ID2 of the South Kesteven Local Plan 2011-2036 and Section 9 of the NPPF.

17. Prior to the store first being brought into use, the pavements and cycle way shall be fully formed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

Ongoing Conditions

18. The operational servicing/delivery hours in connection with the proposed use hereby permitted shall only operate between the following hours and days; 06:00 - 23:00 hours Monday to Sundays (including bank/public holidays).

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

19. The operational hours for the proposed food store hereby permitted shall only operate between the following hours and days; 08:00 - 22:30 hours Monday to Saturdays (including bank/public holidays) 10:00 - 20:00 hours on Sundays.

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

20. Within a period of ten years from the first occupation of the development hereby permitted, any trees, hedging or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

