

## PLANNING COMMITTEE



Application Address	<b>Parrs Quality Confectionery, 26 Alder Road, Poole, BH12 2AQ</b>
Proposal	The demolition of vacant existing buildings, and the erection of a Class A1 discount foodstore (1,801 sqm gross) and a Class A1/A3 coffee shop (195 sqm gross) with associated access, car parking and landscaping.
Application Number	APP/18/00551/F
Applicant	ALDI Stores Limited
Agent	Planning Potential
Date Application Valid	9 May 2019
Decision Due Date	8 August 2018
Extension of Time Date (if applicable)	15 November 2018
Ward	Branksome West
Report status	Public
Meeting date	21 November 2019
<b>Recommendation</b>	<b>Refuse for the reasons set out in the recommendation within the report.</b>
Reason for Referral to Planning Committee	This application is brought before committee at the request of ex-Councillors Ms. Atkinson and Mrs. Dion due to the interests of local residents and the transport impacts of the proposal.
Case Officer	Steve Llewellyn

## **Description of Development**

1. Planning consent is sought for the demolition of the existing vacant buildings and the erection of a Class A1 discount food store (1,801 sqm gross) and a Class A1/A3 coffee shop (195 sqm gross) with associated vehicular access, car parking and landscaping.

## **Key Issues**

2. **The main considerations involved with this application are:**

- Principle of Development
- Retail Impact and Sequential Test
- Impact to Street Scene and Character of the Area
- Residential Amenity
- Highway and Parking Issues
- Impact on Protected Trees and Landscaping
- Impact on Protected Species
- Contamination Issues
- Air Quality Issues
- Flood Risk and Sustainable Urban Drainage
- Sustainability Issues

3. These points will be discussed below, as well as other material planning considerations.

## **Planning Policies**

### LOCAL CONTEXT

4. The following policies are listed as applying to this application.

### Poole Local Plan (November 2018)

PP1	Presumption in Favour of Sustainable Development
PP2	Amount and Broad Location of Development
PP3	Poole Town Centre Strategy
PP4	Town Centre North Regeneration Area
PP9	Urban Allocations Outside the Town Centre (U5 Parrs)
PP12	Housing for an Ageing Population
PP22	Retail and Main Town Centre Uses
PP24	Green Infrastructure
PP27	Design
PP33	Biodiversity and Geodiversity
PP34	Transport Strategy
PP35	A Safe, Connected and Accessible Transport Network
PP36	Safeguarding Strategic Transport Schemes
PP37	Building Sustainable Homes and Businesses
PP38	Managing Flood Risk
PP39	Delivering Poole's Infrastructure
PP40	Viability

Supplementary Planning Document (SPD)

Parking and Highway Layout in Development (Adopted July 2011)

STRATEGIC CONTEXT

National Planning Policy Framework (NPPF) (February 2019 as amended)

National Planning Practice Guidance (NPPG) (March 2014)

**Relevant Planning Applications and Appeals**

Application Site

5. Historically, there have previously been numerous planning applications relating to the industrial use of the site and alterations to the factory buildings but none are of direct relevance to the current proposals that are the subject of this current application.
6. **November 2016:** Redevelopment to provide a 70-bed residential care home (Use Class C2) and 32 extra care apartments (Use Class C2), proposed access, parking, landscaping and other associated works. **Approved** (APP/16/00771/F).
7. **2017:** PREA/17/00176 Redevelopment of the existing vacant site to accommodate an ALDI foodstore and coffee pod. The following pre-application advice was provided:
  - Advised that the site comprises an isolated employment site and therefore any development would have to satisfy Policy PCS4, although the loss of the existing employment buildings had previously been accepted by planning permission APP/16/00771/F.
  - Evidence would need to be provided to demonstrate why the approved care home use is not deliverable and/or viable, particularly given the allocation of the site in the then draft Local Plan and the clear identified need for such accommodation to meet expected growth/demand in this sector. This should include an analysis of other care home facilities and marketing information of the site.
  - A sequential test and retail impact assessment would be required in relation to the proposed retail use. Advice was provided regarding the scope of sites to be considered for the sequential test and the scope of the retail impact assessment.
  - In terms of layout, it was advised that a presence and frontage to the Redlands estate would be sought and it was suggested that the Aldi store building be re-located closer to this frontage with extended glazing.
  - Pedestrian and cycle access via the existing vehicular access from Alder Road should be retained to enhance connectivity with the existing development to the west of the site. Details of the future use and maintenance of the existing access to Alder Road would be required.
  - Also advised that landscaping is an important component of the scheme.

The provision of a landscape buffer and the treatment of the northern boundary to the adjacent properties in Runtun Road must be carefully considered to provide enhancement.

- In relation to neighbour amenity, it was advised that an application should address/include the impacts arising from the scale and massing of the development, shadow analysis, lighting and noise.
- Advice was provided regarding the scope of the Transport Assessment. The impact of the proposed development on the wider road network would need to be assessed particularly in relation to the capacity of the Pottery Junction roundabout.
- There are a number of trees on the site that are protected by a Tree Preservation Order and therefore the layout of the development would need to have regard to the impact on these trees, particularly with regard to the location of parking adjacent to the Alder Road boundary, the location of the coffee pod and the creation of the vehicular access from the Redlands access road.
- Any future application should be supported by a contamination report.
- With regard to air quality, it was advised that this is being monitored at the Pottery Junction roundabout and is exhibiting an increasing trend whilst there is also an Air Quality Management Area along Ashley Road within 1km of the site. The proposed development could adversely impact on air quality in these locations, particularly as a result of potential increased traffic movements associated with the proposal and therefore any future application should be supported by an air quality assessment.
- The vulnerability of the downstream catchment to the north of the site where there is a known area of surface water flood risk at the junction of Alder Road and Yarmouth Road was highlighted and it was advised that a drainage strategy would be required with a future application.
- The proposal would be required to achieve BREEAM 'Excellent' rating and provide 20% of the predicted energy use of the development from renewable energy sources.

#### Unit 2, Fleets Corner, Fleets Lane

8. **2019:** Variation of Condition No13 of planning permission APP/5/95/21727/010/F to allow the unit to be occupied by a food store retailer, extensions and alterations to the external appearance of the building including a canopy fascia and alterations to parking layout. This application is **currently undetermined** (APP/19/00558/F).

#### **Representations**

9. In addition to letters to neighbouring properties, site notices were posted outside the site and in the surrounding vicinity on 26 May 2018 with an expiry date for consultation of 18 June 2018 and the application was also publicised in the local press.
10. A number of representations have been received raising concerns or objection to the proposed development. The issues raised comprise the following:

- Permitting a retail use would undermine the strategy of the emerging (now adopted) Poole Local Plan that allocates the site for a care home and specialist accommodation homes. The applicant has not provided justification in response to the allocation and therefore the proposal is contrary to the local plan policy;
- The Planning and Retail Statement justify the proposal on the basis that Aldi would provide a discount food retailer and implies that Aldi provides a different offer to other food retailers. This assumption is not appropriate as all retailers have adapted their offer to respond to changing economic circumstances. Aldi will therefore be replicating a retail offer which is currently available through the provision of other existing food stores in the area. What is being sought is planning permission for A1 retail use which could be occupied by any food retailer and not by a specific retailer;
- There are concerns that the sales densities used in the Retail Assessment have underestimated the potential impact of the development. The density used for the convenience element reflects those for Aldi. A sensitivity test using other retailers' densities should be undertaken. There is concern that the actual level of impact or potential impact would be at such a level that it could be significant to other centres, including the Town Centre, thereby deeming the proposal contrary to the retail policies;
- The Council's independent review of the retail assessment has highlighted significant concern over the impact to the Wallisdown local centre due to the large amount of trade expected to be diverted from the existing Aldi store. Aldi have not confirmed the future of this store;
- The Transport Assessment is deficient in a number of respects and further information is required in relation to the following:
  - Supporting evidence to confirm that the proposed level of parking provision is appropriate and would not encourage car borne trips to the site;
  - Details on how staff parking in the car park will be managed;
  - Clarity on details and scheduling of servicing, including for the Costa Coffee pod, along with swept path analysis for all movements;
  - TRICS outputs in relation to the vehicular movement for the existing industrial uses should be provided;
  - The trip generation potentially underestimates, significantly, the likely traffic using the development and the highway impact of the proposals as a consequence of the low trip rates adopted for the Aldi store and the absence of any consideration of the trips generated by the Costa Coffee pod;
  - As a result of the point above, the operational assessments should be revisited to consider the operation of the site access and Redlands with greater consideration given to the queuing of vehicles through junctions;
  - A robust safety analysis should be provided and consideration should be given to the impact of queuing through the proposed site access junction and the impact this would have on road safety;
  - Detailed drawing of the proposed junction layout showing measurements and visibility splays should be provided and a Road Safety Audit should be undertaken.
- Concerns that the proposal would increase traffic congestion on the Pottery

Junction roundabout and surrounding road network (including the internal access road within the retail park) which is already heavily congested without any proposed mitigation which has a negative impact on business and residences;

- An additional access out of the Redlands estate is needed. This should be off Alder Road (possible exit using the existing access to the site) or via the service road onto Cromer Road with yellow lines to stop shoppers/commuters parking along the road;
  - Concerns that the proposal would result in customers and staff parking in surrounding roads (Douglas Road, Gwynne Road, Runton Road) causing congestion and exacerbating an already existing problem;
  - Surrounding roads will be used by drivers as a rat run to avoid any further congestion caused by the Redlands estate and traffic calming measures should therefore be introduced;
  - The proposed parking spaces are too narrow;
  - The pedestrian crossing to Alder Road would generate further delays to traffic;
  - A pedestrian link and vehicular access should be provided from Alder Road;
  - A Costa Coffee pod is not needed as there are already other such facilities in the vicinity that would suffer as a result;
  - Secure fencing should be provided to the boundary with the neighbouring properties to retain security for those properties. Without secure fencing, particularly along the eastern and western boundaries of the site, the landscape strip between the acoustic fence and the boundary of the site with the residential properties in Runton Road will become a cut through with implications for security of those adjacent properties (*the site layout plan has been amended with the provision of additional fencing to prevent access to this area*);
  - The hours of operation and delivery would be likely to adversely impact on neighbouring amenity from noise pollution at unsociable hours if they are not controlled;
  - There should be enforceable restrictions on noise levels including from deliveries, the use of fork lifts and other plant/machinery such as heating/air conditioning units;
  - Any lighting of the car park and the store should be sympathetic to the neighbouring properties to avoid light pollution;
  - The car park could lead to anti-social behaviour with people using it as a race track and to do wheel spins as is currently the case with the lower car park area to the retail park. Traffic calming should be provided or provision made to secure the car park after the store closes;
  - Concerns regarding the potential impact on properties in Runton Road from any invasive foundation construction methods. The whole area and particularly Runton Road has a history of subsidence and in the event that piling is unavoidable then less disruptive piling techniques should be implemented. Some form of indemnity against resulting damage to properties should be provided by the developer.
11. A number of representations have also been received in support of the proposed development which includes a number of pre-formatted postcards for people to add their comments that were circulated with a covering letter

by the applicant. These representations support the proposal for the following reasons:

- How has the Local Plan allocated this site as a care home? It is a business park and not somewhere that a care home would be beneficial. A care home would be affected by noise from the deliveries to the various stores within the retail park;
  - How is the Aldi store at Wallisdown going to be affected when Sainsbury's in Alder Road and Lidl in Poole Road do not have any objection? It is far enough away not to be affected.
  - The proposal would provide economic benefits in terms of job creation;
  - A food store within walking distance would benefit local residents and would provide choice and competition to food retail in the area;
  - The provision of an Aldi food store and coffee shop would support/complement the existing uses and improve the shopping choice within the Redlands retail estate;
  - The proposal would make a good use of a currently disused and derelict site;
  - The site is currently an eyesore and the proposal would regenerate and enhance the visual appearance of the site and surrounding area;
  - The proposal would remove traffic movements to Aldi's other stores at Wallisdown or the Town Centre;
  - The introduction of a pedestrian link access to the Redlands site from Alder Road would be beneficial as is the provision of a zebra crossing to Alder Road. The pedestrian improvements are much needed;
  - The proposal would create a valuable 'hub' for local residents to meet;
  - The proposal would remove the anti-social behaviour that is currently taking place on the site and that is of increasing concern to local residents;
  - The provision of additional fencing to the Runton Road and Alder Road properties will be an improvement to avoid trespassing and anti-social behaviour;
  - The provision of additional fencing towards the north east and north west corners of the site shown on the amended plans provides the security needed to the neighbouring properties in Alder Road and Runton Road;
  - The provision of acoustic fencing between the car park and the boundary to the properties in Runton Road is welcomed and should be retained in perpetuity;
  - The proposed buildings are low in height and would not impose upon neighbouring residential properties; and
  - The landscaping proposals would enhance biodiversity.
12. The Society of Poole: Support the proposal provided that the implications arising from the significant change in ground level beyond the northern boundary of the site are recognised and effectively managed to the satisfaction of the neighbours. Construction dust and vibrations, operational noise, light pollution and effective protection of security and privacy over the long term are all issues that the applicant should ensure do not become issues.
13. Member's Engagement Forum (former Borough of Poole): The applicant's development team presented to the Member's Engagement Forum on 14

March 2018 which was attended by Council Members and Planning Officers and was a forum providing developers the opportunity to present the scheme proposals.

## **Consultations**

14. Dorset Police Crime Prevention and Design Advisor: No objection but it is advised that there are no secure cycle parking spaces for staff which may encourage staff to travel by car. There are two fire escapes on the south perimeter and the plan suggests an opening by the cycle racks. Since fire doors are a common target for commercial burglars there should be a good quality security specification for these doors and a secured emergency exit leading onto the car park. Similarly, after closing time the loading bay will be without natural surveillance and therefore lighting, cameras and alarms should be included.
15. Go South Coast: Object to the proposals for the following reasons:
  - The proposed development is contrary to Policy PP9 of the Local Plan which allocates the site for a care home and specialist accommodation homes;
  - The proposed level of traffic to or from the site will materially affect bus reliability adding to an already saturated junction at Branksome Roundabout. This is contrary to Policy PP34 which promotes the delivery of safe, connected and accessible transport;
  - Traffic queuing in this location has a negative effect on journey time reliability. Development of this site is therefore premature in advance of any scheme to improve Branksome Roundabout;
  - The projections of 5% bus modal share after five years of operation for such an accessible site are poor and the Travel Plan is incompetent. Measures should include initiatives to encourage new staff to access the site by bus services and therefore a 90 day bus ticket should be conditioned on the developer for new staff at the site for the five years of the travel plan.
16. Natural England: Support the proposal subject to the imposition of a condition that requires that all proposed planting and seeding within the proposed green infrastructure consists of native species only.
17. It is, however, advised that the ecological report provided by the applicant retains the justification that the use of non-native planting as a pollinating plant is a gain for biodiversity. This is not considered a biodiversity enhancement by Natural England as non-native flora often support little or no native invertebrates in their life cycle and will merely draw in invertebrates from elsewhere rather than increasing biodiversity by providing additional habitat. Furthermore, invertebrates that are drawn in to pollinate non-native plants are at the expense of pollinating nearby native flora which would account for a loss in biodiversity in conflict with national policy.
18. If the applicant is unwilling to endorse this condition by using native flora in the soft landscaping, a financial contribution to a local biodiversity initiative may be acceptable to deliver net gain on the applicant's behalf proportionate



to the scale of the development.

19. BCP Highway Authority: Support the proposal subject to the imposition of conditions relating to the following matters:
  - The pedestrian access route from Alder Road to the food store shall be available for general public use at all times during the opening hours of the food store and shall remain unobstructed and maintained in good order at all times;
  - Details shall be submitted and require approval in respect of:
    - i. a lighting scheme for the car park, pedestrian routes (including the link to Alder Road) and vehicle routes through the site;
    - ii. The provision of a pedestrian crossing facility on Redlands in the vicinity of the site; and
    - iii. The provision of a pedestrian crossing facility, such as a zebra or signalised crossing on Alder Road.
  - Prior to the development first being brought into use:
    - i. the existing access of Alder Road shall be reinstated back to footway construction and a vehicle proof barrier, such as bollards, shall be erected to prevent vehicle movement along this access
    - ii. the new vehicle access off Redlands shall be created; and
    - iii. construction vehicle access shall only be taken from the new access off Redlands.
20. Environmental Services (Air Quality): Support the proposal subject to the imposition of a condition requiring the submission of a Dust Management Plan to minimise the identified risk from the impact of construction dust (demolition, earthworks, construction and trackout).
21. Environmental Services (Biodiversity): Support the proposal subject to the imposition of conditions requiring the implementation of the mitigation measures set out in the submitted ecology report; the provision of swift boxes; no vegetation clearance to take place within the bird breeding season and the submission of a revised landscape scheme to include native species only.
22. It has been advised that the submitted soft landscape scheme currently includes the planting of non-native species and therefore at present the proposal still results in a loss of biodiversity on the basis of the submitted plan.
23. Environmental Services (Contamination): Supports the proposal subject to the imposition of a condition requiring the submission of an investigation and risk assessment of any potential contamination on the site and a detailed remediation scheme (if necessary) in the event that contamination is found at any time during the approved development that was not previously identified; implementation of the approved remediation scheme (where necessary); and the submission of a verification report following the completion of the remedial works.
24. Environmental Services (Noise): Support the proposal subject to the

imposition of conditions requiring the submission of details of the proposed plant and machinery and any sound attenuation measures to ensure compliance with specified sound ratings, the provision of 2 metre high acoustic fencing, restriction on the hours of opening and hours of deliveries, and requiring the submission and implementation of a Service Yard Noise Management Plan.

25. Lead Local Flood Risk Authority: Support the proposal subject to the imposition of a condition requiring the submission for approval of a detailed scheme of surface water drainage based on sustainable urban drainage principles.

## **Constraints**

26. The site is allocated by Policy PP9 of the Poole Local Plan for a care home of approximately 70 bed spaces and approximately 30 specialist accommodation homes.
27. There are several mature trees within the site and on adjoining land that make an important contribution to the local visual amenity and the character of the surrounding area that are covered by a Tree Preservation Order (TPO No. 232/1988 – Area Order).

## **Planning assessment**

### **Site and Surroundings**

28. The site is located on the eastern side of Alder Road towards its southern end with the roundabout junction with Ashley Road and Poole Road. The site is rectangular in shape and is currently occupied by a series of industrial buildings that comprise a mix of single and two-storey warehouse and industrial styled units of varying design and form that are finished in concrete/ blockwork and steel framed structures clad in fibre cement and/or metal cladding. The site and buildings were associated with the former use of the site as a confectionary factory (Parrs Sweet Factory) that ceased operating in 2013 and that are now vacant.
29. The site is accessed off Alder Road that runs parallel to this road, albeit at a raised level with a concrete retaining wall to its western side, and provides access into the south western corner of the site. The site also includes a small strip of land that lies beyond the eastern boundary of the currently vacant employment site that forms a landscape strip adjacent to the internal access road within the Redlands Retail Park (Poole Commerce Centre) that is accessed off the Pottery Junction Roundabout.
30. The topography of the land to the north consists of a series of ridges and valleys and the site is located towards the top of a ridge at the southern end of Alder Road. Due to the topography of the surrounding area, the site is elevated above the height of Alder Road to the west and the residential

properties in Alder Road and Runton Road to the north. As such, there is a steep treed and landscaped embankment to the western boundary of the site with Alder Road, whilst there is also a steep embankment to the rear gardens of the properties in Runton Road that back onto the northern boundary of the site.

31. The site is subject to a Tree Preservation Order (TPO No. 232/1988 – Area Order) and there are a number of mature trees within the site and on adjoining land, particularly those on the embankment of the site adjacent to its western boundary, to the western end of the northern boundary and adjacent to the eastern boundary on the landscape strip adjacent to the internal access road of the Redlands Retail Park. These trees make an important contribution to the local visual amenity and the character of the surrounding area.
32. The surrounding area to the site is of a mixed character with the presence of residential and retail/commercial uses. To the west of the site, residential development comprising of two-storey detached and terraced housing is located on the opposite side of Alder Road and also extends along Alder Road and to Runton Road to the north. The eastern and southern boundaries of the site, however, adjoin the Redlands Retail Park that comprises a number of retail/commercial warehouse units and extensive areas of car parking. The southern boundary of the site adjoins the car park area and service yard/external sales area to Homebase. To the east, the site adjoins a landscaped verge to the side of the internal access road within the retail park, beyond which are the large warehouse style retail units and the associated car parking areas. The retail and commercial units of the Branksome local centre are also located slightly further to the south-east of the site.

## **Key Issues**

33. This application seeks planning permission to demolish the existing vacant employment buildings that currently occupy the site and erect a food store (A1 retail) and a separate coffee shop (A1/A3 use), together with the formation of a new vehicular access, car parking and landscaping.
34. The proposed food store would be positioned in the south western quadrant of the site and would comprise of the retail sales area (1,254sqm) with the warehouse and staff welfare areas positioned on the southern side of the building and a service area/yard positioned to the western end of the proposed building. The building would have an overall floor area of 1,801sqm.
35. The proposal also includes the formation of a new vehicular access off the internal access road within the Redlands Retail Park that would be located towards the southern end of the eastern boundary of the site. This would lead into the car parking area that would be located to the eastern and northern sides of the proposed retail food store. The proposal includes a

total of 112 car parking spaces, including 6 disabled parking spaces and 9 parent child parking spaces, whilst 8 cycle parking stands would be located to the eastern side of the proposed retail food store providing 16 bicycle parking spaces. The proposal also includes the closure of the existing ramped vehicular access onto Alder Road, although a pedestrian access would be retained in this location together with additional landscape planting.

36. The proposed free-standing coffee pod would be located towards the eastern side of the site and immediately to the north of the proposed new vehicular access. This would have an overall area of 195sqm with an external seating area to the southern and western sides of the building. The servicing area and bin/plant store would be located to the northern side of the building.
37. The proposal also includes the provision of a new pedestrian crossing across the internal access road within the Redlands Retail Park that will link the pedestrian pathway into and out of the site with the wider retail park.

#### Principle of Development

38. The site was last used for employment purposes and represented an isolated employment site (being located outside of the designated Existing Employment Areas). The principle of the loss of the site for employment generating uses (B1, B2 and B8 uses), however, has previously been accepted by the approval of planning permission APP/16/00771/F that permitted the redevelopment of the site to provide a 70-bed residential care home and 32 extra care apartments which remains extant.
39. More importantly, however, the site has been allocated by the Poole Local Plan for a care home of approximately 70 bed spaces and approximately 30 specialist accommodation homes under Policy PP9 (U5 Parrs) (Urban allocations outside the town centre). This policy, therefore, is the starting point for any proposals for the development of this site in terms of compliance with the development plan.
40. It is clearly evident that the uses of the proposed buildings that are the subject of this current application for a food store and coffee shop would be in direct conflict with the provisions of Policy PP9 of the Local Plan. It is therefore necessary to consider whether there are any material considerations that would outweigh the loss of this site to an alternative use to that for which it has been allocated.

#### Loss of Care Home/Specialist Accommodation Site Allocation

41. The site has been allocated in the Poole Local Plan for a care home and specialist accommodation as part of the strategic requirement to meet the needs of an ageing population. The site therefore has strategic significance in terms of ensuring the overall objectives of the Local Plan are met over the plan period. The proposed development of the application site would

therefore clearly conflict with the objectives of the Poole Local Plan and, if approved, would restrict both the supply and choice of the care home and specialist accommodation homes.

42. The NPPF states at paragraph 59 “that the needs of groups with specific housing requirements are addressed”, while paragraph 61 states that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”. This includes meeting the housing needs for older people. In line with the NPPF, Policy PP12 of the Poole Local Plan deals specifically with housing for an ageing population and states that proposals for care homes and specialist housing will be permitted where they comply with general principles relating to sustainable location and design. The policy also states that the need for care home bed spaces will amongst other aspects be met by “Bringing forward the allocated sites identified in Policies PP9 and PP10” and “exploring opportunities for the provision of new care home bed spaces in new large scale residential developments and through the redevelopment of isolated employment sites which are no longer suited to continued employment use”.
43. The Poole Local Plan states that there is a clear and identified need for the delivery of additional care home bed spaces within the Plan period up to 2033, this being estimated at 816 additional care home bed spaces, and that this would be phased over this period with the required supply by 2025 calculated at 472 bed spaces and a further 344 bed spaces by 2033. It continues by stating that around half of this overall target would be delivered by the development of the sites allocated for, or to include, care home provision with the remainder being met through current commitments and windfall development.
44. Having regard to the evidence base to the Poole Local Plan, it is evident that taking account of the current sources of supply there would be a projected shortfall in terms of the required supply of care home bed spaces to 2025 assuming that all of the sources of supply are delivered within the prescribed period. However, the loss of the previously permitted and allocated number of bed spaces at the application site (70 bed spaces) as a result of the proposed development would further exacerbate this shortfall in care home bed spaces. In addition, there is also a need for a further 344 bed spaces between 2025 and 2033 but there is a significant shortfall in the number of bed spaces that are currently identified to meet this further need. It is therefore important on a strategic level to ensure that the identified sites, including the application site, are not lost to other forms of development in order to meet the delivery of care home bed spaces over the plan period.
45. In addition to the care home bed spaces, the provision of 32 extra care apartments were also permitted by planning permission APP/16/00771/F and the allocation of the application site under Policy PP9 also includes for

the provision of approximately 30 specialist accommodation homes. The Poole Local Plan points to the need to make provision for a range of specialist accommodation types to meet the growing housing needs of Poole's ageing population, together with forms of housing such as extra care that provides the older people with the opportunity to live in specially designed housing to retain independence. Evidence indicates that the projected need for the specialist forms of housing over the Plan period to be 3,425 units, a significant proportion (approximately 25%) of the overall housing target. Whilst the previously approved and allocated number of extra care apartments on the application site is modest in number, this level of provision would nevertheless add to the limited supply of this form of accommodation which the Council is reliant on the market bringing forward.

46. In support of the application, the applicant has stated that since planning permission was granted for the redevelopment of the site to provide a care home and extra care apartments it has become clear that the site is not attractive to care home operators and that the scheme is neither viable or deliverable. The applicant has submitted information relating to the marketing that has been undertaken of the site and argue that limited interest was forthcoming from potential developers and occupiers for various reasons. It is therefore concluded by the applicant that there is no likelihood that the site is either suitable or viable and deliverable for health or care related uses, including care homes and specialist health facilities.
47. In considering the submitted marketing information, it is evident that most of the marketing was undertaken and completed prior to planning permission for the care home and extra care apartments having been granted and did not relate to the actual approved scheme for the redevelopment of the site. It is therefore considered that prospective developers/operators/purchasers of the site may have been put off at the time of those earlier marketing exercises due to the uncertainty that planning permission would be granted and therefore the guarantee that they would be purchasing in the site to provide a care home and specialist accommodation housing. Of the submitted details, it is apparent that only one marketing exercise has been undertaken in relation to the site following the approval of planning permission at which time it was marketed in January 2017 as part of a package of care home development opportunities and the marketing was very selective with only 35 parties contacted. As such, it is argued that at that time when there was certainty following the approval of planning permission the site was not given the full marketing exposure that it required. It is also noted that the limited specific information regarding the application site as part of those marketing details did not include images of the actual approved scheme on the site.
48. In addition, it is considered that the submitted marketing information is insufficient in that it fails to provide details of the actual duration of active

marketing of the site; information on how much the site was advertised for and evidence that the price sought was a reasonable value; and do not provide information of the full marketing exercise undertaken (for example, Colliers only provide details of the marketing of the care home element and do not include any details of the marketing undertaken by their residential team). It is therefore concluded that the applicant has failed to provide evidence of the full and proper marketing of the site for the allocated use at a reasonable value and for a reasonable period of time in accordance with Policy PP40 (2). Whilst this policy refers to proposals for the change of use from care homes, and despite the fact that there is no existing care home on the site, given the site allocation for such a use it is considered that the requirements of this policy are equally applicable to the current proposals.

49. In addition to the above, it is also noted that the submitted marketing information is similar to that presented to the Local Plan Inspector as part of the Local Plan Examination. In this regard, the applicant contested the site allocation for a care home and specialist accommodation homes at the Local Plan Examination and put forward arguments why the allocation of the site was neither justified nor effective and pointed to evidence that the site was neither viable nor deliverable for the proposed allocation. However, the Local Plan Inspector considered that the evidence presented on behalf of the applicant was not sufficient to demonstrate that the development proposed by the allocation of the site would not be delivered over the Plan period and in his final report on the Local Plan Examination stated:

“50. The plan allocates site U5 (Parrs) for a care home of approximately 70 bed spaces and around 30 specialist accommodation homes, which reflects an extant permission for the site. It has been argued that the site’s proximity to Poole Retail Park and its topography make it unsuitable for a care home and is likely to explain why the permission has yet to be implemented. However, I have no reason to believe that the permitted scheme would not represent a satisfactory form of development and it is unlikely that planning permission would have been sought if there was no intention of implementing it. Moreover, even if the current permission were to expire, there is no convincing evidence to indicate that a care home is not likely to be developed on the site during the plan period. There is an identified need for more than 800 care home bed spaces in the Borough and a very limited number of suitable and available sites to meet the need.

51. It has been suggested that a supermarket and ‘coffee pod’ facility is a more viable form of development for this site. Whilst the determination of a planning application for such a proposal is not a matter for my consideration, the evidence before the Examination that there is not a need for additional convenience retail floorspace has not been challenged. The site is currently/was last an isolated employment site and policy PP16 of the plan (see Issue 7) states that where such sites are no longer suitable for continued employment use, a care home/specialist housing will be prioritised over other uses which generate employment (i.e. a supermarket/‘coffee pod’).

52. In summary, allocation of the site for a care home/specialist housing seeks to meet identified development needs, it is consistent with the plan's policy in respect of reuse of isolated employment sites and there is no convincing evidence to demonstrate that this form of development is not deliverable during the plan period. I therefore conclude that the allocation is sound."

50. It is evident that the proposed development is contrary to the development plan as it conflicts with the allocated land use for the site in Policy PP9. Given that the marketing information submitted in support of this application is substantially the same as that presented to the Local Plan Inspector and no further meaningful marketing of the site has been undertaken since the adoption of the Poole Local Plan, the evidence that has been presented does not constitute sufficient material considerations to justify why a departure from the site allocation and the development plan, which was only confirmed by the Council in November 2018, should be permitted.
51. Given the clearly identified need for the provision of care home bed spaces and specialist accommodation homes up to the end of the Plan period and the fact that there is already an identified shortfall in the sources of supply, particularly between 2025 and 2033, the submitted evidence does not justify why the site is not suitable to deliver the allocated care home and specialist accommodation housing over the Plan period. Furthermore, whilst the submitted information indicates that there are concerns with the suitability of the site due to its physical constraints and the compatibility of the use with the surrounding uses and environment and the potential availability of other sites in better suited locations, there is no evidence to demonstrate that this site would not become more desirable for the allocated use as potential development sites more scarce towards the latter part of the Plan period.
52. In this context, it is essential to consider what benefits could be delivered by the proposed retail use that would be sufficient to outweigh the loss of a key strategic allocation for a care home and specialist accommodation homes. The Council's evidence supporting the Poole Local Plan (Poole and Purbeck Town Centres, Retail and Leisure Study; Final Report dated November 2014), however, confirms that there is no need for any additional convenience floor space within Poole over the Plan period. The proposal therefore is seeking planning permission for a form and use of development for which there is no objectively assessed need but that in turn would result in the loss of a site allocation for a form of development for which there is a clearly identified need and that is required within the Plan area in strategic terms.
53. Having regard to the above considerations, it is evident that the proposal conflicts with the allocation of the site under Policy PP9 of the Poole Local Plan and that no evidence has been provided to adequately justify why the key strategic allocation for a care home and specialist accommodation



homes should be set aside for a development of a non-strategic use.

#### Retail Impact and Sequential Test

54. The proposed development seeks planning permission for the development of the site for retail use (a food store and coffee shop) which falls within the definition of main town centre uses as set out in the NPPF and therefore the proposal must also be assessed in relation to the key retail and town centre policies.
55. In support of the proposed development, the applicant has undertaken a sequential test and retail impact assessment and has submitted a Retail Statement to seek to demonstrate that it complies with the sequential and impact tests set out in both national and local planning policy. This considers whether there are any sequentially preferable sites to the town centre and the impact of the proposed development (both in terms of future investment and town centre vitality and viability). Due to the complexity and specialist nature of retail planning policy, the Local Planning Authority has appointed an independent retail consultant to review the submitted sequential test and retail impact assessment. The assessment of the proposed development in relation to the sequential test and impact assessment, having regard to the applicant's submission and other relevant evidence base information, is set out below.

#### (a) The Sequential Test

56. In order to achieve the Government's overarching objective of sustainable economic growth, the planning policy set out in the NPPF identifies the objective of promoting the vitality of town and other centres as important places for communities and the need for new economic growth and development of main town centre uses to be focused in existing centres. The NPPF states that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation" (paragraph 85).
57. The NPPF continues by stating that planning policies should define a network and hierarchy of town centres (e.g. town centre, district centres, local centres) which new retail development should be directed towards to promote their long term vitality and viability. It promotes a 'town centre first' approach as it is stated that "Main town centre uses should be located 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" (paragraph 86). In relation to the consideration of edge of centre and out of centre proposals, the NPPF goes on to state at paragraph 87 that "preference should be given to accessible sites which are well connected to the town centre".
58. In line with the NPPF, Policy PP22 of the Poole Local Plan identifies a retail hierarchy and adopts a retail strategy that endorses this 'town centre first'

approach with new retail development and other main town centre uses being directed to the town centre, district centres, local centres and neighbourhood parades first, before consideration of out of centre locations.

59. In this instance, given the location of the application site outside of the town centre and the designated district and local centres and the fact that it has not been allocated for retail development, it is necessary to assess whether there are any suitable and available sequentially preferable alternative sites or premises which can accommodate the proposed development. On the basis of the location of the site in relation to the closest defined local centres, being located on the edge of the Branksome East local centre (Poole Road), the sequential test needs to concentrate on alternative in-centre sites and those edge of centre sites which are more accessible and better connected to the defined local centres than the application site.
60. The submitted Retail Statement sets out the alternative sites that have been identified and assessed by the applicant and explains why it has been concluded that they do not represent a suitable and available alternative that is sequentially preferable to the application site. On the basis of their assessment of alternative sites, the applicant has discounted the alternative sites for various reasons and concluded that there are no alternative sites within town or edge of centre locations that should be considered sequentially preferable to the application site. As such, the applicant contends that the proposals meet the sequential test in accordance with the requirements of the NPPF and Policy PP22 of the Poole Local Plan.
61. In response to the applicant's assessment, the report of the independent retail consultant has advised that the catchment area for the search put forward by the applicant is reasonable but there is also a need to consider whether there are alternative sites that are suitable and available within the Adastral Square, Canford Heath, Oakdale and Wallisdown local centres.
62. The independent assessment has considered a number of locations in and around Poole town centre, along with the district and local centres (including those which had been lacking from the applicant's submission), but the report states that it is concluded that there are not any suitable and available alternative sites or premises that are sequentially preferable to the application site. As a consequence, as far as the sequential test is concerned, the proposal complies with the provisions of the NPPF (paragraphs 86 and 87) and Policy PP22 of the Poole Local Plan. The sequential test is passed.

(b) Retail Impact Assessment

63. Having demonstrated that the proposal meets the sequential test, in accordance with paragraph 89 of the NPPF when assessing applications for retail development outside town and other centres which are not in accordance with an up-to-date plan, as is the case in this instance, an impact assessment should be undertaken if the development is over a

defined floor space threshold (i.e. 280sqm). Where an impact assessment is required the NPPF states that it should consider the impact of the proposal on:

- a. existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b. town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

64. In terms of the determination of applications for retail development outside of the defined 'town centres', paragraph 90 of the NPPF states "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 89, it should be refused".
65. In line with the NPPF, Policy PP22 (4) of the Poole Local Plan sets out that outside of the designated boundaries and allocations (i.e. in edge of centre and out of centre locations) new retail development proposals over 280sq.m will only be permitted where it satisfies the sequential test and an impact assessment. The policy also states that such development must also be appropriate in scale, role, function and nature to its location and must not prejudice the role and function of Poole town centre or undermine the retail strategy.
66. The applicant's submitted Planning and Retail Statement sets out their assessment of the potential impact of the proposed development although it focuses primarily on the proposed food store element of the proposal only. This identifies that the majority of the turnover of the proposed store (trade diversion) would come from other stores catering primarily for main food shopping, such as Sainsbury's (Talbot Heath), Tesco Extra (Tower Park) and Tesco (Poole Road), that are located in closest proximity to the proposed store and where the residents of the local area currently undertake their food shopping. It is also stated that the proposed store is also likely to draw a higher proportion of its turnover from directly competing stores, most notably from Lidl (Poole Road) and Aldi (Town Centre) and Aldi (Wallisdown). However, it is indicated that whilst the proposed store would divert some expenditure from in-centre convenience stores, the impact of the proposal would be very limited on Poole town centre (-5.1%) and the Ashley Road district centre (-5.9%). In addition, whilst the impact that is anticipated to be experienced by the Lidl store on Poole Road, that is located within the Branksome East local centre, would be greater (-14.5%), it is nevertheless stated that this is not considered to be significantly adverse and that it would be able to withstand this level of impact and that it would not result in the closure of that store. In respect of the other centres, the submitted report identifies that the level of diversion would be low and the level of impact would be very limited and would not have a material effect on their trading performance and function.

67. The submitted report also concludes that the proposed development would not have any material impact on existing, committed or planned investment or the deliverability of sites within and around the town centre or other defined centres, including Town Centre North and the allocated sites within the regeneration area. In this regard, whilst some of the allocated sites in and around the town centre include scope for an element of retail provision it is stated that this is generally envisaged to be small scale retail uses to serve the comprehensive residential led development and not envisaged to be of the same scale as that proposed by this application. The applicant has therefore concluded that the impacts of the proposed development are not 'significantly adverse' and would not harm the vitality and viability of the defined 'town centres'. In addition, it would not deter investment in any of the defined centres but would deliver investment in a currently vacant brownfield site. The applicant also argues that the proposed development would deliver other benefits to the local area including opportunities for 58 local jobs (full and part time) that would boost the local economy; an improved retail offer and choice and an accessible and sustainable shopping facility reducing the need for residents to travel further afield and allowing for linked trips.
68. The report of the independent retail consultant, however, has considered that some of the assumptions and assessment parameters of the applicant's impact assessment are not sufficiently robust and as a result the consultant has undertaken a separate financial impact assessment of the proposed food store. As a result, the report highlights that in comparison to the applicant's impact assessment higher levels of trade diversion are predicted for stores in the surrounding area including Sainsbury's (Talbot Heath) and both the Lidl and Tesco stores on Poole Road. In addition, it is also stated that the proposed development would result in a materially higher level of trade diversion from the existing Aldi store in Wallisdown. By contrast, the independent report predicts lower levels of diversion from stores in Poole town centre (Aldi and Sainsbury's) and from Waitrose within the Ashley Road district centre.
69. With regards to Poole town centre, the independent report states that the predicted impacts are generally low and do not give rise to any particular concern over the future trading position of the main stores (Sainsbury's, Aldi and Asda), particularly as the latter two stores trade well. It also identifies that the food stores (Marks and Spencer Foodhall, Iceland and Tesco Express) within Westbourne to the east of the site that make an important contribution to the overall health and attractiveness of the local centre would be affected. However, again it is not considered that the level of impact is likely to materially affect the future trading performance of those stores or the wider health of the local centre. Similarly, the report also states that the applicant's predictions that other nearby district and local centres, such as Ashley Cross, Ashley Road, Bournemouth Road, Canford Cliffs and Lilliput will experience only small levels of diversion are shared.

70. In relation to those stores which the independent report states are predicted to experience the highest levels of trade diversion, the Sainsbury's (Talbot Heath) and Tesco (Poole Road) stores are in 'out of centre' locations and therefore are not protected by planning policy so that the impact on them is not considered as such. However, the impact on the Tesco store may be of relevance if it results in a reduction in the linked trips between the store and the nearby Branksome East (Poole Road) local centre. The proposed food store at the application site, however, would be located in similar proximity to the local centre and therefore it is unlikely that the trade diversion from the Tesco store to the proposed store would materially affect the number of linked trips to the local centre and therefore its vitality and viability.
71. The Lidl store on Poole Road, however, is located within the Branksome East local centre and therefore it is important to consider whether the trade diversion from it would materially affect the future health of the local centre. The independent report, however, states that the Lidl store has been assessed to trade well and is likely to be trading above the company's national average and therefore there are no particular concerns over the future viability of the store. In addition, whilst the loss of linked trips from the Lidl store could affect the future health of the local centre and it is also considered that it is better placed to offer the potential for linked trips than the proposed food store, the independent report nevertheless concludes that the proposed store would still be within walking distance of the local centre and therefore capable of providing those linked trips so that any difference would not be so great as to raise any significant concerns.
72. As stated, the independent report has also identified that it is forecast that the proposed development would result in a high level of trade diversion from the existing Aldi store within the Wallisdown local centre. In this regard, the assessment of the independent consultant predicts that this store could lose 20% (£1.9m) of its annual study area derived turnover due to the overlapping catchment that it would have with the proposed store. Whilst the existing Aldi store in Wallisdown currently performs reasonably well, it is dated in appearance with a small car park that is separated to the rear of the store, and therefore the report highlights that it is quite possible that a sizeable proportion of existing shoppers would switch to the proposed new, larger and more attractive store at the application site. The independent report continues by stating that whilst there is no evidence to suggest that the existing Aldi store in Wallisdown would definitely close as a result, the possibility cannot be ruled out given the proximity of the two stores.
73. The Bournemouth, Christchurch and East Dorset Joint Retail Study 2017 Volume 2 Report indicates that evidence suggests that the Wallisdown local centre (designated as a district centre in the Bournemouth Local Plan: Core Strategy 2012) has a strong convenience shopping role and that the footfall was highest around the Aldi store. This indicates that Aldi fulfils an important

role to the performance and function of the local centre as it serves an anchor role and fulfils an important neighbourhood shopping role as well as attracting customers from the surrounding area. The loss of the existing Aldi store could therefore have a 'significant adverse' impact on the health of the Wallisdown local centre as it would result in the loss of a significant proportion of the convenience floor space within the local centre, whilst customers using the store are also likely to use other shops within the local centre and the opportunity for linked trips would be lost if the store were to close. The report therefore recommends that further information should be provided by the applicant regarding the importance of the existing Aldi store to the Wallisdown local centre in terms of trips and the linkages that it provides with other parts of the centre. However, no such further information has been submitted by the applicant and in the absence of this information it is therefore concluded that the proposed development could have a 'significant adverse' impact on the Wallisdown local centre.

74. In response to the independent report, however, the applicant has submitted draft heads of terms for a unilateral undertaking that set out the basis of obligations that they would be prepared to enter into as a commitment to keeping the existing Aldi store at Wallisdown open for a three year period (a 'keep open clause') and the terms by which it would continue to trade and operate. In addition, the applicant has also set out how they consider such a clause could be enforced should a breach take place. Whilst there are concerns with some of the heads of terms, as drafted, of more fundamental importance is the fact that, having sought internal legal advice on the matter, it is considered that such an agreement would be inappropriate because it would not meet the legal tests required to be satisfied. Any such unilateral undertaking must comply with the legal tests under regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The legal tests are
- a. necessary to make development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related in scale and kind to the development.

Furthermore, in the event that the legal tests were met, it is also considered that it would not be reasonable or practicable to enforce such a unilateral undertaking and to force an existing store to remain open even if there were the most legitimate of business reasons for it to close. It should also be noted that the applicant's offer to commit to keeping the existing store open would be limited for a period of three years and therefore if such a 'keep open clause' were deemed to be acceptable it would only provide a short term mitigation measure from the 'significant adverse' impacts that could arise with the closure of the existing store as a result of the proposed development.

75. With regards to the impact of the proposed coffee pod element of the proposed development, the independent report states that on the basis that it is restricted to a mixed A1/A3 use and not allowed to operate as an A1 use only then it is likely that it would draw in trade to the local centre from a wide catchment and therefore there are no concerns with its impact.
76. In terms of the impact of the proposal on existing, committed and planned investment in the town centre and other centres, the independent report concurs with the conclusions of the applicant that whilst some of the proposed developments in and around the town centre include retail floor space it is likely to be of a different scale and/or type to the proposed food store. Therefore, it is stated that there is no cause for concern that the proposal is likely to have a significant adverse impact upon planned or committed investment in Poole town centre. In addition, whilst it is stated that some new retail development outside of the town centre could have a damaging impact, provided that the proposed food store is restricted to that purpose and does not allow other forms of retail then existing investment in the town centre is also unlikely to be materially affected. However, given the scale of the projected trade diversion from the existing Aldi store in Wallisdown and the potential for it to close, the proposed development could have an adverse or significant adverse impact upon existing investment in the local centre and its attractiveness to potential occupiers.
77. Having regard to the above considerations, it is evident that there is a particular concern over the impact of the proposed development on the Wallisdown local centre due to the significant level of trade diversion from the existing Aldi store that is likely due to the overlapping catchment of the two stores and the potential for the existing Aldi store at Wallisdown to close as a consequence of the proposed new store opening. On the basis of the submitted retail impact assessment and in the absence of sufficient information to the contrary, it is therefore concluded that the applicant has failed to demonstrate that the proposed development would not result in a 'significant adverse' impact on the health of, and existing investment within, the Wallisdown local centre and would not undermine the retail strategy for Poole. As such, the proposed development would be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) of the Poole Local Plan.

#### Impact to Street Scene and Character of the Area

78. The existing industrial buildings that currently occupy the site are clearly visible in the public realm from the adjacent Redlands Retail Park to the south and east of the site, but their utilitarian design and appearance does not make any positive contribution to the character and appearance of the surrounding area. The proposal, therefore, provides an opportunity to regenerate the site and enhance its visual appearance and the contribution that it makes to the surrounding townscape.

79. At present, the Redlands Retail Park to the south and east of the site is largely dominated by vehicle circulation space and car parking with the retail units set back behind it and occupying large warehouse units that lack variation in terms of their built form. As such, there is an absence of any focal building to add visual interest.
80. The proposal therefore provides the opportunity to introduce a positive active frontage to overlook the Redlands Retail Park and the Homebase car park and to provide a focal point building that would introduce a positive element into the views into the retail park from the Pottery Junction roundabout.
81. The proposed site layout and arrangement of the buildings and car parking, however, fails to fully capitalise on this opportunity with the proposed food store being set back into the site. As such, the proposed site layout would largely repeat the existing open and poorly defined built form of the adjacent retail park with the main feature of this space being the car parking rather than the food store itself. Nevertheless, the proposed coffee pod building, although a smaller building, would be sited in close proximity to the eastern boundary of the site where it would have a clear visual presence to the retail park and in views along the access road. The design of this building has been amended during the course of the application so that it would be largely glazed to three elevations (east, south and west elevations) to ensure that it would positively address the vehicular access and car park within the site but also the existing public realm of the adjacent retail park. Whilst the proposed layout could have been designed in a manner that the proposed food store would have a more positive presence, it is nevertheless clearly evident that the proposed development would introduce a built form that would considerably enhance the appearance of the site and would positively improve its contribution to, and presence in, the public realm of the adjacent retail park compared to the existing situation.
82. The design of the proposed food store would be reflective of the branding of the applicant (Aldi) and would be of a contemporary, yet functional, design. In this regard, it would have a large mono-pitched roof form, full height glazing to the principal (eastern) elevation and finished in anthracite grey/silver metal cladding that would provide a modern appearance. The full height glazing to the shop front on the eastern elevation of the proposed building that would face towards the vehicular entrance to the site would provide an active frontage on arrival into the site and would turn the corner of the building to define the main entrance to the building.
83. The proposed coffee pod building would be of a similar contemporary design and would continue the architectural language of the food store building with the use of full height shopfront glazing, a mono-pitched roof form and metal clad finishing. The proposed materials and colour finishes (grey metal cladding and red ceramic tile cladding) would also relate to the corporate branding of the proposed end user (Costa Coffee). The proposed buildings



would therefore tie in with the materiality of the adjacent retail units, particularly the John Lewis store.

84. Despite the scale of the proposed buildings, given that they would be set well back into the site from the northern boundary, they would not appear unduly prominent from views along Runton Road and other surrounding residential streets to the north and would actually appear far less dominant than the existing industrial buildings that are located adjacent to this boundary of the site. The site is also located in a prominent position towards the top of the ridgeline. However, whilst the proposal would result in a change to the appearance of the site, it would nevertheless sit comfortably towards the top of the ridge and would be viewed against and alongside the other buildings along the ridgeline and would not dominate the skyline in the wider and more distant views.
85. The site is set above the road level of Alder Road and is set back behind a high bank with trees and shrubs along it, whilst the existing buildings are set back into the site from the western boundary, such that they are not readily visible in the street scene. The proposed retail food store, however, would be located in much closer proximity to the western boundary of the site and therefore would be more easily discernible and prominent in the street scene than the existing buildings, particularly when viewed from the south along Alder Road. The proposed building would also present the blank facades of the rear and side elevations, as well as the HGV unloading bay/servicing area and fenced enclosure to the plant and bin stores, to Alder Road and therefore would not represent a visual improvement to the quality of the street scene. The visual presence of the building and in particular the lower elements of the plant/bin enclosures and HGV unloading bay/servicing area, however, would be alleviated to some extent by the additional landscape planting that is proposed along the existing ramped vehicular access whilst some additional tree planting could also be secured to this boundary to further screen the proposed development. In addition, given the visual context of this part of Alder Road that includes the external garden retail sales area and delivery/service yard to Homebase it is not considered that the proposal would cause material harm to the character and appearance of the street scene.
86. The proposed site layout has also been amended during the course of the application to provide a cycle/pedestrian access along the existing ramped access from Alder Road that is to be closed to vehicular traffic. This would provide a significant improvement in terms of connectivity and permeability by providing a direct and safe access to the site and through to the wider retail park beyond from the residential areas to the west and north of the site from which a significant number of trips could be generated.

#### Residential Amenity

87. With regards to residential amenity, it is evident that the proposed site layout

has been designed to respond to the site context and its relationship to the adjacent residential properties, particularly those to the north of the site in Alder Road and Runton Road. In this regard, the proposed retail food store has been located in the south western quadrant of the site where the northern elevation of the building would be sited between 28-30 metres from the northern boundary of the site with the adjacent residential properties that are set at a considerably lower ground level than the application site. Whilst the proposed retail food store building would have an overall height of approximately 8 metres, having regard to the separation distance from the boundary and the changes in levels to the residential properties to the north, it would not result in an overbearing or oppressive development. Similarly, although the proposed coffee pod building would be located in closer proximity to the northern boundary, given that it would still be separated from it by at least 19 metres and would also be of a considerably lower overall height than the retail food store building (4.8 metres), it would also not appear overbearing in relation to the adjacent residential properties.

88. The proposal would also result in the removal of the existing industrial buildings that are located in close proximity to the northern boundary of the site and that have a very dominant and imposing presence above the adjacent residential properties and their rear gardens in Alder Road and Runton Road. Whilst the proposed buildings may be visible to some extent they would be considerably less dominant than the existing industrial buildings. As such, the proposal would represent a significant enhancement to the outlook from the rear of those neighbouring residential properties.
89. In addition, the proposed development would not give rise to any shading or loss of sunlight/daylight to the adjacent residential properties. The proposal may actually provide some improvement to the general amenities of their occupants by removing any shading caused by the existing industrial buildings adjacent to the northern boundary and the potential to improve the general levels of sunlight/daylight that they may benefit from. Furthermore, given that the uses would be contained to the ground floor level only within both of the proposed buildings, the proposal would not give rise to any potential overlooking of the adjacent residential properties. Similarly, the activity and movement of people within the proposed car parking area would not result in any overlooking given that the parking area would be separated with the northern boundary to the adjacent residential properties by a 2 metre high fence and a landscaped buffer area.
90. The proposed development would be sufficiently distanced and partially screened by the intervening tree and landscape planting from the residential properties on the opposite (western) side of Alder Road that it would not appear overbearing or give rise to a loss of outlook, loss of light, overshadowing or a loss of privacy due to overlooking that would be materially to the amenities and privacy of their occupants.

91. The application has also been supported by a Noise Assessment Report that considers the potential impacts of the proposed scheme during the operational phase of development. This report identifies that the main impacts in terms of noise associated with the operation of the development are likely to be from fixed mechanical services plant, from servicing/delivery activity and from trading activity (customer car parking activity). In relation to plant equipment, the report states that the precise details of the fixed plant and equipment are not known but is likely to comprise of a mixture of refrigeration and ventilation equipment. Due to the location of the fixed plant equipment to the western side of the proposed retail food store and to the northern side of the proposed coffee pod the report states that it is appropriate to set noise limits for the plant equipment that match the current typical background sound climate (45dB for daytime and 35dB at night). This can be secured by condition.
92. In terms of noise arising from servicing/delivery activity associated with the proposed uses, the submitted noise report identifies that service vehicles will enter the site from Redlands and manoeuvre through the car park to the loading bays to the western side of the proposed food store and to the northern side of the proposed coffee pod. Having regard to the noise levels of the different components of service activity measures at other similar stores/units, the submitted noise assessment report concludes that deliveries could be made between the hours of 6:00am – 11:00pm without the associated noise giving rise to significant adverse impact to the nearby residential properties in Alder Road and Runton Road. However, the report also states that a service yard noise management plan should be adopted to ensure that noise associated with delivery/service activity should be kept to a minimum through good practice and management procedures. This could be secured by condition as could a restriction on the hours of opening of the proposed retail food store and coffee shop and deliveries to them.
93. With regards to noise associated with the trading activity of the proposed uses of the buildings, which is primarily that associated with the use of the car park, the submitted noise report states that peak noise levels in car parks are attributed to car doors being slammed. The report identifies that the proposed hours of opening for the retail food store would be between 8:00am – 10:00pm but for the coffee shop they would be 5:00am – 11:00pm. Given that the car park would be shared by the customers of the two uses, the impact of noise associated with the use of the car park must therefore be considered in the context of the longer trading period and also in relation to the noise levels that are considered acceptable during the more sensitive night time period (defined as 11:00pm – 7:00am). Having regard to the distance of the proposed parking spaces in relation to the neighbouring properties, the submitted report identifies that the resultant peak noise levels, if unmitigated, would exceed the World Health Organisation (WHO) peak noise guideline at which the onset of sleep disturbance may occur.

However, it is stated that the predicted noise levels associated with customer car parking activity, with the provision of a 2 metre high acoustic grade boundary fence (which is indicated on the submitted site layout plan), would reduce the noise levels to comply with the WHO daytime and night guideline values. The provision of the acoustic fence could reasonably be secured by condition and as such the proposed coffee shop could trade between the proposed hours of 5:00am – 11:00pm without the associated noise from customers using the car park giving rise to significant adverse impact.

94. The proposed development could also have an adverse impact on the amenities of the nearby residential properties as a result of unnecessary light pollution, particularly from the proposed car parking area. Whilst no details of the proposed lighting of the site have been submitted in support of the application, the design and access statement indicates that any external lighting would be switched off outside of the store operating hours. However, it would be reasonable to impose a condition securing the submission for approval of a scheme of lighting and timing for its operation.
95. On the basis of the above considerations, the Council's Environmental Health Officer supports the proposed development subject to the imposition of appropriate conditions. As such, the proposals therefore accord with the provisions of Policy PP27 of the Poole Local Plan in so far as it relates to the amenities of both existing local residents and future occupiers of the proposed development.

#### Highway and Parking Issues

96. With regards to the transportation issues, the proposal includes the formation of a new vehicular access off the internal access road within the Redlands Retail Park that would provide access into the proposed car parking area that would provide a total of 112 parking spaces. The proposal also includes the closure of the existing vehicular access onto Alder Road to vehicular traffic but a cycle/pedestrian link would be retained along this existing ramped access. In addition, the provision of pedestrian crossing facilities is also proposed to both Alder Road and to the internal access road within the Redlands Retail Park that will link the pedestrian pathway into and out of the site with the wider retail park. The potential transportation impacts of the proposed development are set out below:

##### (a) Traffic Impact to the Highway Network

97. The application has been supported by a comprehensive Transport Assessment (TA), whilst the Council's Transportation Services have also carried out analysis of the impact of the proposal on the wider transport network.
98. The submitted TA identifies that some of the vehicle trips to the proposed development would already be on the highway network as there would be some pass-by trips and diverted trips from other retail stores in the

surrounding area and therefore the proposal would not produce wholly new trips on the highway network. However, the proposed development would inevitably result in increased traffic generation to the surrounding highway network and on the Pottery Junction roundabout at the entrance to the Redlands Retail Park. This roundabout is already congested at peak traffic times and the submitted TA confirms this and that even without the proposed development but taking account of predicted traffic growth the roundabout would be over-capacity. In considering the impact of the traffic generation from the proposed development, the Council's Senior Transportation Officer has advised that having regard to the pass-by and diverted trips from vehicles already on the highway network and allowing for traffic flow that could already be generated by the existing authorised use of the site, the proposed development would result in an increase of only 1.45% (463 vehicles) of the existing vehicle movements through the Pottery Junction roundabout.

99. It has been advised that the principal cause of congestion at the Pottery Junction roundabout is congestion on Poole Road (A35) to the east of the roundabout. However, there are no infrastructure schemes currently proposed to address these issues along Poole Road as any new scheme, such as road widening, would necessitate the purchase of third party land and buildings. The Council's long term aim to reduce traffic flows on the highway network is to encourage modal shift to more sustainable modes of transport (e.g. public transport, bicycle), particularly during peak commuter periods. As such, there is no infrastructure solution within the applicant's control that could come forward as part of this proposal to alleviate traffic congestion on Poole Road at the roundabout, but more importantly, in planning terms, it is only necessary for the proposed development to mitigate its own impacts and not to mitigate an existing traffic congestion problem.
100. Analysis of the TRICS database undertaken by the Council's Transportation Services shows that for retail food stores of the nature proposed daily vehicle trips are spread out over longer periods of the day rather than taking place over the peak commuter traffic periods. In this regard, the TRICS database indicates that for such uses the peak arrival times for vehicles during a weekday is between 3:00pm – 4:00pm and between 11am – 12:00pm (midday) on a Saturday. Importantly, these times do not coincide with the peak commuter congestion times on Poole Road.
101. In addition, as mentioned above, encouraging the use of sustainable transport modes is the aim of the Council to reduce traffic flows and the proposed development provides scope for the proposed food store to reduce vehicle trips from those residents living in the locality of the site as it would provide an increased range of goods within reasonable walking distance. To the west of the site, on the opposite side of Alder Road, is a large residential area and a key walking route to the site from that area would be along

Douglas Road emerging at Alder Road. In order to increase pedestrian permeability and connectivity to the surrounding area and the bus stops on Alder Road, the application has been amended to include the provision of a pedestrian crossing to Alder Road and the provision of a cycle/pedestrian route along the existing ramped vehicular access into the site. This would provide a direct and safe access to the site from the residential areas to the west and north. The proposal also includes a direct pedestrian route through the site as well as the provision of a pedestrian crossing to the internal access road within the Redlands Retail Park that would enhance pedestrian connectivity to the wider retail park. This latter pedestrian crossing would also assist with pedestrian movements to the site from the residential areas to the east of the adjacent retail park via the existing footpath link from Cromer Road by providing a safe crossing point. The provision of these pedestrian crossings can be secured by condition.

102. The proposed development would result in daily two-way traffic flow increases of 7% to the access road within the Redlands Retail Park and would result in additional vehicles queuing on this access road as customers exit the proposed food store and adjacent retail park. However, this does not impact on the congestion on Poole Road or the adjacent highway network, whilst the length of the access road and the adjacent car parks are capable of accommodating significant queues. Whilst the increased queuing time would be more of an inconvenience to customers to the proposed development and existing retail park this would not be harmful to the capacity and operation of the surrounding highway network or highway safety and therefore would not constitute a reason for refusal.
103. The NPPF states at paragraph 108 that it should be ensured that any significant impacts from development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. It continues by stating "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe" (paragraph 109). In this instance, any solutions to providing improvements to traffic flows through the Pottery Junction roundabout and along Poole Road or out of the Redlands Retail Park are not within the applicant's control and would be disproportionate to the impact of the proposed development. Furthermore, having regard to the existing levels of traffic and congestion on the highway network in the immediate locality; the relatively limited increase in traffic generation on the highway network arising from the proposals and the fact that this would be spread out over a long period of the day outside of the peak commuter periods; and the provision of improved cycle/pedestrian links to the site to encourage more sustainable modes of travel; the Council's Senior Transportation Officer has advised that it would be difficult to demonstrate that the residual cumulative impacts on the highway network arising from the traffic generation associated with this proposal would be severe given the already congested nature of the network.

(b) Construction Traffic

104. With regards to construction traffic, the applicant proposes to utilise the existing vehicular access off Alder Road during the demolition and construction works for use by construction traffic and the demolition/construction operatives. It is recognised that the use of this vehicular access is not ideal as it is only single width and due to it being at a tight angle for vehicles arriving at the site from the north along Alder Road it could result in large vehicles turning into the site from this direction or large vehicles turning right when exiting the site onto Alder Road having difficulty carrying out an efficient manoeuvre and having to carry out multiple manoeuvres in Alder Road. However, this existing vehicular access can currently be used in association with the existing authorised use of the site for industrial purposes that could generate a significant number of vehicle movements, including HGV's. In addition, the use of the existing vehicular access off Alder Road for construction traffic is considered to be preferable to the formation and use of the new vehicular access off the internal access road through the Redlands Retail Park where there would be potential for greater conflict between pedestrian and vehicle movements. Nevertheless, it would be appropriate for large vehicles to utilise the nearby roundabout at the junction of Alder Road and Ashley Road to the north of the site to ensure that they can either enter the site from the south or turn left out of the site to the roundabout and then travel back along Alder Road. The routeing and management of construction traffic entering and exiting the site is a matter that can be organised and controlled by the site management and can be subject to a construction management plan that could be secured by an appropriate condition to ensure that the demolition and construction works do not cause any significantly adverse impact in terms of congestion and highway safety along Alder Road.

(c) Vehicular Access

105. The proposal includes the closure of the existing vehicular access to the site off Alder Road and the formation of a new vehicular access to the eastern boundary of the site off the internal access road within the adjacent Redlands Retail Park. This proposed vehicular access meets appropriate design criteria. The existing ramped vehicular access is to be closed to vehicular traffic but retained for a cycle/pedestrian route and therefore it would be necessary for a vehicle proof barrier/bollards to be provided at its junction with Alder Road and the dropped kerb crossing and lowered footway reinstated. This could be secured by condition had the scheme been acceptable in all other respects.

(d) Parking Provision

106. The proposal includes the provision of a total of 112 parking spaces within the proposed car park that would be shared between the food store and the coffee shop. The Council's Senior Transportation Officer has advised that this level of provision would be sufficient to meet the parking needs of the proposed development in accordance with the Council's parking guidelines

as set out in the Parking and Highway Layout in Development SPD, particularly having regard to the car parking within the adjacent retail park and the fact that some shoppers would be carrying out multi-purpose trips. The proposed parking layout has also been amended to ensure that the parent and child parking bays and the disabled parking bays are located in close proximity to, and are provided with footway provision to, the entrances of both buildings.

107. The proposal also includes the provision of 8 cycle stands that would provide 16 cycle parking spaces for customers, whilst the provision of 2 cycle parking spaces are shown within the warehouse of the proposed food store for staff. However, given that the external cycle parking spaces are not secure and sheltered, the Council's Senior Transportation Officer has advised that 10 secure and sheltered cycle parking spaces should be provided for staff given the longer period of time that their bikes would be left for. The Officer has also advised that the type of cycle stand that is proposed would also be unacceptable. In addition, there are also concerns regarding the location and accessibility of the proposed staff cycle spaces within the warehouse, together with the fact that cycle parking areas within buildings often become used for storage and it is difficult to monitor their availability. Notwithstanding the submitted details, the provision of secure and sheltered cycle parking for staff could be secured by condition.

(e) Servicing

108. Servicing/deliveries to the proposed food store and coffee pod would be made via the proposed vehicular access with HGV's manoeuvring through the car park to the servicing/delivery bay. Vehicle tracking movements of a HGV delivery vehicle have been provided to satisfactorily demonstrate movement through the car park to the servicing/delivery bays. However, this indicates that the 11 staff parking spaces would be located within the tracking route of a HGV and therefore management of these parking spaces would be required to ensure that there is sufficient space for delivery vehicles to be able to manoeuvre within the site. Management of such staff parking to cater for deliveries is not an uncommon feature for retail stores and this is considered to be acceptable. Nevertheless, it is appropriate to impose a condition requiring these parking spaces to be marked out to ensure that they are not used by customers and for the submission of a delivery management strategy setting out how deliveries to the site in general, but also with specific regard to the staff parking spaces, would be managed that will require approval.

Impact on Protected Trees and Landscaping

109. The site is subject to a Tree Preservation Order (TPO No. 232/1988 – Area Order) and there are a number of mature trees within the site and on adjoining land, particularly those on the embankment of the site adjacent to its western boundary, to the western end of the northern boundary and adjacent to the eastern boundary on the landscape strip adjacent to the internal access road of the Redlands Retail Park. These trees make an



important contribution to local visual amenity and the character and appearance of the site and the surrounding area

110. The applicant has submitted an arboricultural report and tree protection plan in support of the proposed scheme. This report identifies that 4 trees would need to be removed to facilitate the proposed development or for good arboricultural management (T14 and T21-T23), together with a short section of hedgerow that would need to be removed to create the new vehicular access to the site off the internal access road within the Redlands Retail Park. However, these trees are all of such limited size and/or quality that they do not form important features and are of relatively low amenity value. As such, their removal would not have a significant impact on the character and appearance of the local area. As such, there is no objection to their removal, particularly given that the submitted landscape scheme indicates the provision of 10 new trees to be planted to complement the scheme proposals and site layout that would compensate for their loss, as well as providing future tree cover and amenity value to the wider surrounding area. The planting of these replacement trees could be secured by condition if the proposals were acceptable in all other respects.
111. The submitted arboricultural report identifies general areas of tree protection and mitigation that would need to be implemented to ensure that the trees that are to be retained would not be adversely affected during the construction works. However, it is evident that the existing buildings and areas of hard standing are located in close proximity to, and in some cases within the canopy spread and/or theoretical root protection areas (RPA's), of the trees that are to be retained and that are of important amenity value to the surrounding area. As such, there is the potential for the demolition of the existing buildings and the removal of their slabs/sub-surface structures and areas of hard surfacing to cause damage to the canopy structures and root systems of those trees to be retained if not undertaken in an appropriate and careful manner, but no details of the proposed methodology for demolition and/or removal of hard surfacing have been provided. In addition, it is also evident that the proposal includes the construction of elements of the proposed development that would encroach within the theoretical RPA's of trees that are to be retained, including the proposed coffee pod, car parking areas and retaining structures, which could cause damage if roots are present in those areas.
112. The Council's Senior Arboricultural Officer, however, has advised that given that there are existing buildings with foundations/concrete slabs and areas of hard surfacing within the theoretical RPA's of the trees to be retained, it is likely that the tree root systems would be limited in these areas and therefore any potential impact is unlikely to be significantly harmful. In addition, it has also been advised that, in principle, the demolition of the existing buildings and removal of their foundations/concrete slabs and areas of hard surfacing could be undertaken in accordance with an appropriate methodology without

causing unacceptable harm. It is therefore accepted that the proposed development could be achieved without detriment to the important trees that are to be retained. Nevertheless, it would be necessary to impose a condition requiring an Arboricultural Method Statement to be submitted for approval.

### Impact on Protected Species

113. The application has been supported by an Ecological Assessment which identifies that the site is generally of negligible ecological importance. In this regard, the existing buildings and areas of hard standing and grassland are of little or no inherent ecological value and therefore their loss as a result of the proposed development would be of negligible significance. This report does, however, indicate that the trees within, and adjacent to, the site could be used by bats as a commuting and foraging route and provide nesting opportunities for birds. Nevertheless, the majority of trees and landscape planting would be retained within the site and protected from damage during demolition and construction works, whilst new landscape planting proposals would compensate for the trees and a short section of hedgerow that are proposed to be removed and will increase nesting and foraging opportunities for bird species. In addition, it is also stated that the removal of vegetation would be undertaken outside of the bird breeding season (March-August inclusive) or conducted under the supervision of a suitably trained ecologist to check for bird nests, whilst the proposal would also include the provision of two swift nest boxes to the proposed food store building that would provide biodiversity enhancement.
114. Furthermore, the submitted ecology report highlights that stag beetles have been identified as being present on the site and therefore the proposal includes mitigation to provide additional habitat for stag beetle in the form of a log pile specifically designed for stag beetle larvae that will be created in a shaded location on the retained tree lined bank on the western side of the site. Had the proposed development been acceptable in all respects, the implementation of these measures could have been secured by condition to ensure the provision of suitable mitigation so that no significant ecological effects would arise and that the proposed development would deliver a net gain for biodiversity within the site.
115. The proposal, however, does include the proposed removal of 4 trees within the site and a small section of managed hedgerow along the eastern boundary that would need to be removed to allow for the creation of the proposed vehicular access to the site. Whilst the application is supported by the provision of soft landscape proposals for the site this includes the use of non-native plant species and therefore Natural England and the Council's Biodiversity Officer have expressed concern that this would lead to a reduction in the pollination of native plant species and result in a loss of biodiversity. It has therefore been advised that all of the proposed planting and seeding within the proposed landscape planting scheme should consist

of native species only. Whilst the landscape proposals have not been amended, the applicant has confirmed their agreement to the use of native flora only in the soft landscaping proposals. A condition could therefore be imposed to secure a revised landscape planting scheme that would compensate for the loss of the existing native trees and hedgerow, as well as additional planting to that retained on site, to deliver a net gain in biodiversity.

### Contamination Issues

116. A site investigation report for the potential presence of contaminants within the site and surrounding vicinity has been submitted in support of the proposed development, albeit that this report and its findings/recommendations relate to the development of the site for a care home and extra care apartments previously approved by planning permission APP/16/00771/F.
117. This report concludes that some elevated concentrations of lead were found in soils at the site but the most elevated concentrations of lead were in locations under the proposed buildings and so would be encapsulated by hard standing. However, it was concluded that a dressing of 300mm would be required to provide an adequate growth medium for future planting in soft landscaped areas that effectively create a capping layer. The report therefore concluded that when the intended use of the site as a residential care home with areas of open soft landscaping were taken into consideration, the level of lead concentration was considered to be acceptable and therefore no further actions were considered necessary to mitigate human health risk.
118. With regards to the current proposal, the Council's Contaminated Land Officer has advised that the proposed end use of the site as a retail food store and coffee pod would be less sensitive as a receptor than the previously approved use of the site for a care home and extra care apartments. In addition, it is also advised that the location of the most elevated lead samples would be in locations that would still be covered by hard landscaping for the proposed development, thereby breaking the potential pathway between future site users and any potential residual contamination. As such, it is advised that no particular remediation is necessary. Nevertheless, had the scheme been acceptable in all other respects, it would be appropriate to impose a condition requiring the submission of an investigation and risk assessment of any potential contamination on the site and a detailed remediation scheme (if necessary) in the event that contamination that was not previously identified is found at any time during the demolition/development works.

### Air Quality Issues

119. The application site is located in close proximity to the busy Pottery Junction Roundabout which links Poole Road, Bournemouth Road, Ashley Road and

the internal access road through the Redlands Retail Park from which the proposed development would be accessed. Air quality is currently being monitored in this location by the Council, whilst there is an existing Air Quality Management Area (AQMA) along a stretch of Ashley Road within approximately 1km of the site.

120. In support of the proposed development, the applicant has submitted an Air Quality Assessment that considers the impacts of the proposed development in terms of dust emissions during the demolition/construction works and the concentration level of pollutants associated with traffic flows during both the construction and operational phases of the development. This report identifies that whilst the number of vehicle movements associated with the construction phase of development is not known the expected flows would not be predicted to be significant in terms of total emissions or construction duration. In addition, it also indicates that the operational impact of the proposed development would be negligible and that the predicted concentrations of relevant pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) would not be expected to exceed national objectives and on this basis no mitigation is required.
121. The Council's Environmental Protection Officer has also advised that the latest monitoring data indicates a gradually declining trend in pollutant concentrations in this location and that given the location of the monitoring point the actual concentrations of pollutants experienced at the façade of residential properties in this area, where the air quality objectives apply, would be even lower. As such, on the basis of the evidence provided, the Council's Environmental Protection Officer has advised that the conclusions of the submitted report in respect of the impacts of the proposal on air quality from traffic generation during the construction and operational phases are acceptable and no further assessment is required.
122. With regards to the issue of dust emissions, the submitted Air Quality Assessment identifies that emissions of dust and particulate matter are likely to be generated from on-site activities; such as demolition, earthworks (excavating material, haulage, tipping and stockpiling) and construction works; that could have an adverse impact on sensitive local receptors. However, the report states that through the implementation of good site practice and suitable mitigation measures, the impact of emissions of dust and particulate matter can be effectively mitigated and the resultant impacts reduced to 'negligible'. The report therefore recommends that the mitigation measures are incorporated into a Dust Management Plan to be submitted and that will require approval. Whilst the applicant has submitted a Construction Environmental Management Plan (CEMP) this does not contain sufficient detail to satisfy the requirement for appropriate mitigation. Therefore, had the scheme been acceptable, it would be necessary to secure the submission of a Dust Management Plan for approval by the imposition of a condition.

## Flood Risk and Sustainable Urban Drainage

123. The application site is located upstream of a catchment to the north of the site where there is a known area of existing flood risk from surface water at the junction of Alder Road and Yarmouth Road. In this regard, the Environment Agency's surface water flood risk maps shows Branksome Recreation through to Yarmouth Road/Sheringham Road to be at risk from even low intensity storms, such as a 1 in 30 year event and there are known residential properties that flood in this area.
124. The proposed development therefore has the potential to increase the risk of flooding to the downstream catchment area if a suitable scheme of surface water drainage is not implemented. The application has therefore been supported by a Drainage Strategy and Flood Risk Assessment which indicates that the surface water drainage design for the site will be developed in accordance with sustainable urban drainage (SUD's) principles. It is stated that it would be suitable to discharge the surface water drainage from the newly developed site to one or more soakaways and that the surface water drainage system would be designed to have sufficient capacity for all storm durations up to and including the 1 in 30 year return period plus a 40% allowance for climate change. In addition, it is also stated that the drainage system would also be checked for the 1 in 100 year return period plus a 40% allowance for climate change so that any surface water would be retained on the site during such a storm event.
125. Given that the proposed drainage system would be in accordance with general SUD's principles and will incorporate a soakaway system including designed attenuation, the proposed development is unlikely to have a significant impact upon flooding within the locality of the site, including the downstream catchment area. In this regard, the use of soakaways is acceptable and the proposal would offer betterment to the area in terms of permeable soft landscaping which should increase the volume of rainfall that infiltrates at source. However, it would be appropriate to impose a condition requiring the submission and approval of a detailed surface drainage scheme if the proposed development were otherwise acceptable in all other respects.
126. The submitted drainage strategy also identifies that following the demolition of the existing buildings and prior to the construction of the proposed development there is a risk that surface water may run off the site on to the neighbouring properties in Runton Road to the north, particularly given the significant level differences. As a result, it is stated that it is proposed to install a temporary drainage arrangement in the form of a ditch along the northern and eastern edges of the site, discharging to the existing surface water sewer in the Redlands Retail Park to the east. Whilst the submitted details are only indicative, it is noted that the temporary drainage ditch would run through the RPA's of a number of trees that are located adjacent to the

northern and eastern boundaries of the site and therefore would not be an acceptable solution. However, the provision of temporary surface water drainage arrangements for the period of the demolition and construction works could be controlled by the imposition of a condition.

127. On the basis of the above and the details contained within the submitted Drainage Strategy and Flood Risk Assessment, the proposed development can address all of the relevant issues of flood risk to the site itself and also elsewhere as a result of the proposed development subject to the abovementioned conditions.

128. With regards to foul drainage, it is stated that there is an existing public foul sewer that runs along Alder Road and the proposed development would discharge to it, as is currently the case.

### Sustainability Issues

129. Policy PP37 of the Poole Local Plan seeks to ensure that all new development is built sustainably. In considering proposals for commercial development, as proposed in this instance, it is expected that development for larger schemes (in excess of 1,000sq. m net floor space) should incorporate measures to deliver a minimum of 20% of the predicted future energy use of the development from renewable energy sources and would meet a BREEAM 'Excellent' rating. Being a 'new build' development, it is considered that it would be readily possible to achieve a high level of energy efficiency and a sustainable development in accordance with these policy requirements.

130. The application has been supported by a Renewable and Low Carbon Energy Statement which sets out that the predicted energy demand of the proposed development and how this is proposed to be reduced with the use of renewable energy sources. In this regard, the proposal includes the provision of a significant roof mounted solar photovoltaic array (50kWp) to the roof of the proposed food store. The submitted report concludes that this would deliver a predicted reduction of 30% in the 'baseline' energy demand of the overall development (food store and coffee pod) that would exceed the policy requirement. The provision of the proposed roof mounted solar photovoltaic array could be secured by condition.

131. With regards to the requirement for the development to achieve a BREEAM 'Excellent' rating, the applicant has submitted a BREEAM Pre-Assessment Report in respect of both the food store and coffee pod buildings. These reports indicate that the findings of the pre-assessment, that have been undertaken in the early stages of the design process, predict that the proposed development is likely to achieve a BREEAM 'Excellent' rating. In addition, the reports also suggest that there remains some further limited opportunity to increase the final BREEAM score. The delivery of a BREEAM 'Excellent' development, however, could be secured by condition had the scheme been acceptable in all respects.

## **Section 106 Agreement/CIL compliance**

132. Community Infrastructure Levy is a locally set charge which can be applied to development to help fund infrastructure required to accommodate growth, such as heathland mitigation; strategic borough-wide transport improvements and flood defences; additional educational, health, social care, leisure and community facilities; green infrastructure/open space and public realm improvements. This is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that new retail floor space outside of Poole town centre, district centres, local centres and neighbourhood parades is CIL liable development in line with the Local Plan approach of directing retail development to the most sustainable locations. Such development is therefore required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.

## **Summary**

133. The proposed development is contrary to the development plan as the proposed use would conflict with the allocated use of the site for a care home and specialist accommodation homes contrary to Policy PP9 (U5) of the Poole Local Plan. Whilst the applicant has provided marketing information in an attempt to demonstrate that the site is not suitable for the allocated uses this is substantially the same evidence that was considered by the Local Plan Inspector prior to the site allocation being confirmed. The proposal would therefore result in the development of the site for a use for which there is no objectively assessed need at the expense of the site allocation for which there is a clearly identified need and that is of strategic importance in meeting the objectives of the Poole Local Plan. In the absence of adequate evidence to justify why the strategic allocation is not needed over the Plan period and therefore should be set aside for the delivery of a non-strategic use, the proposed development is contrary to Policy PP9 of the Poole Local Plan.
134. The independent retail advice that has been provided to the Local Planning Authority identifies that there is a particular concern over the impact of the proposed development on the Wallisdown local centre due to the significant level of trade diversion from the existing Aldi store that is likely due to the overlapping catchment of the two stores and the potential for the existing Aldi store at Wallisdown to close as a consequence of the proposed new store opening. On the basis of the independent retail assessment that has been undertaken and in the absence of sufficient information to the contrary, it is therefore concluded that the applicant has failed to demonstrate that the proposed development would not result in a 'significant adverse' impact on the health of, and existing investment within, the Wallisdown local centre and would not undermine the retail strategy for Poole. As such, the proposed development would be contrary to the provisions of the NPPF (paragraphs

89) and Policy PP22 (4) of the Poole Local Plan.

135. With regards to transportation issues, having regard to the existing levels of traffic and congestion on the highway network in the immediate locality; the relatively limited increase in traffic generation on the highway network arising from the proposals and the fact that this would be spread out over a long period of the day outside of the peak commuter periods; and the provision of improved cycle/pedestrian links to the site to encourage more sustainable modes of travel; it would be difficult to demonstrate that the residual cumulative impacts on the highway network arising from the traffic generation associated with this proposal would be severe given the already congested nature of the network. The proposed development would provide an adequate level of on-site parking provision, whilst the access and servicing arrangements would also be acceptable.
136. The proposed design of the buildings and layout of the development would be acceptable and would enhance the appearance of the site and would positively improve its contribution to, and presence in, the public realm of the adjacent retail park compared to the existing situation.
137. In respect of all other material planning considerations, it is determined that the proposed development would be acceptable subject to the imposition of appropriate conditions.

### **Planning balance**

138. The proposed development would deliver economic benefits through the creation of jobs during both the construction and operational phases of the development that would boost the local economy; environmental benefits through the re-use of a currently vacant site and the delivery of a development that would positively enhance its appearance and contribution to the wider surrounding area in a sustainable location close to other services/facilities and public transport; and social benefits through the provision of an improved retail offer and choice that is in an accessible and sustainable location reducing the need for residents to travel further afield and allowing for linked trips.
139. The proposed development, however, would result in the loss of the site allocation for the provision of a care home and specialist accommodation housing for which there is a clearly identified need and that is of strategic importance in meeting the objectives of the Poole Local Plan in favour of a form and use of development for which there is no objectively assessed need and that is not of strategic importance. In the absence of adequate material considerations to justify why a departure from the development plan should be permitted, the proposal is contrary to the provisions of Policy PP9 of the Poole Local Plan.
140. In addition, the independent retail advice that has been provided to the Local



Planning Authority identifies that there is the potential for the proposed development to have a 'significant adverse' impact on the health of, and existing investment within, the Wallisdown local centre due to the level of trade diversion from the existing Aldi store that would conflict with the retailing strategy for Poole. As such, the proposed development would also be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) of the Poole Local Plan.

141. As such, the proposed benefits of the scheme identified above would not be sufficient to outweigh the conflict of the proposed development with the policies and strategic objectives of the NPPF and the Poole Local Plan.

## **RECOMMENDATION**

It is therefore recommended that this application be Refuse for the following reasons

### **Reasons**

#### **1. RR000 (Non Standard Refusal Reason)**

The proposed development would result in the loss of the site allocation for the provision of a care home and specialist accommodation housing that would contribute towards the delivery of suitable housing to meet the needs of an ageing population and for which there is a clearly identified need and that is of strategic importance in meeting the objectives of the Poole Local Plan in favour of a form and use of development for which there is no objectively assessed need and that is not of strategic importance. In the absence of the submission of adequate evidence/information to justify why the strategic site allocation would not be suitable, deliverable and needed over the Plan period to meet the housing needs of the ageing population and therefore why a departure from the development plan should be permitted, the proposal would be contrary to the provisions of Policies PP9 (U5) and PP12 of the Poole Local Plan.

#### **2. RR000 (Non Standard Refusal Reason)**

The proposed development would result in a significant level of trade diversion from the existing Aldi store that is located within the defined Wallisdown local centre due to the overlapping catchment of the existing and proposed stores that could lead to the closure of the existing store. On the basis of the independent retail advice provided to the Local Planning Authority, and in the absence of sufficient information to the contrary, the applicant has failed to demonstrate that the proposals and consequential loss of the existing Aldi store would not result in a significant adverse impact on the health of, and existing investment within, the Wallisdown local centre and would not undermine the retailing strategy for Poole. As such, the proposed development would be contrary to the provisions of the NPPF (paragraph 89) and Policy PP22 (4) of the Poole Local Plan.

### **Informative Notes**

- . IN76 (List of Plans Refused)

The development is hereby refused in accordance with the following plans and documents:

Site Location Plan (Drawing No. 170727 P(1)01) – Received 20 April 2018;  
Site Plan As Existing (Drawing No. 170727 P(1)02) – Received 20 April 2018;  
Site Plan As Proposed (Drawing No. 170727 P(1)03 I) – Received 04 November 2019;  
Proposed Floor Plan – Aldi (Drawing No. 170727 P(1)04 A) – Received 21 October 2019;  
Proposed Roof Plan – Aldi (Drawing No. 170727 P(1)05) – Received 20 April 2018;  
Proposed Elevations – Aldi (Drawing No. 170727 P(1)06 C) – Received 21 October 2019;  
Existing and Proposed Sections (Drawing No. 170727 P(1)07 A) – Received 20 April 2018;  
Context Elevations (Drawing No. 170727 P(1)08 D) – Received 04 November 2019;  
Proposed Floor Plan – Costa Coffee Shop (Drawing No. 170727 P(1)10 B) – Received 04 November 2019;  
Proposed Elevations – Costa Coffee Shop (Drawing No. 170727 P(1)11 C) – Received 04 November 2019;  
Soft Landscape Proposals (Drawing No. 1282-01) – Received 20 April 2018;  
and  
Tree Protection Plan (Drawing No. TPP-1 Rev A) – Received 20 April 2018.

## 2. IN75 (Community Infrastructure Levy - Refusal)

The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 2nd January 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

## 3. IN73 (Working with applicants: Refusal)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

In this case the applicant and BoP have worked together to minimise the reasons for refusal.

## **Background papers**

Case File ref: APP/16/00771/F

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.