



Planning Committee

Application Address	Unit 2, Fleets Corner, Fleets Lane, Poole, BH15 3BZ
Proposal	Full planning application for the use of the existing retail unit as a Class A1 discount foodstore, external alterations and extension, including new service area, trolley bay, entrance area and canopy, with associated plant area and parking reconfiguration.
Application Number	APP/20/00853/F
Applicant	Aldi Stores Ltd.
Agent	Planning Potential
Date Application Valid	7 August, 2020
Decision Due Time	6 November, 2020
Extension of Time date (if applicable)	
Ward	Oakdale
Recommendation	Grant permission subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision
Reason for Referral to Planning Committee	This application is brought before committee due to the history of the site.
Case Officer	Clare Spiller

Description of Development

1. Planning consent is sought for Full planning application for the use of the existing retail unit as a Class A1 foodstore, external alterations and extension, including new service area, trolley bay, entrance area and canopy, with associated plant area and parking reconfiguration.

Key Issues

2. The main consideration involved with this application are:
- Whether the proposal would undermine the Town Centre and Policy PP22 (retail impact and sequential test).
 - Whether adequate parking would be available serve the proposed development.
 - Whether the proposal adversely effects the character or appearance of the streetscene and surrounding area.

- Whether the proposal adversely effects the residential amenity of neighbouring properties.
- Whether the proposal mitigates flood risk.

Planning Policies

3. Poole Local Plan (Adopted 2018)

PP01	Presumption in favour of sustainable development
PP22	Retail and main town centre uses
PP34	Transport strategy
PP35	A safe, connected and accessible transport network
PP36	Safeguarding strategic transport schemes
PP38	Managing flood risk

4. Supplementary Planning Document

Parking & Highway Layout in Development

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

Unit 2 - The application building

6. **2020:** (APP/19/00558/F) A variation of condition application to vary condition no. 13 of permission 5/95/21727/010/F to allow Unit 2 to be occupied by a food store retailer. Deferred at July 2020 planning committee to allow a representation received about the application type to be considered by the Head of Legal Services. This application has not yet been determined.
7. **2020:** (APP/19/01502/F) Proposed external alterations to the retail unit and alterations to the car park (APP/19/01502) associated with the above application. Not yet been determined. The same proposed alterations have been incorporated into this current application.
8. **1995:** Demolish existing building and construct two non-food retail units with associated parking and landscaping. Approved and implemented (5/95/21727/10). This consent was subject to the following condition:
 13. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 the premises shall not be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of that unit as ancillary to the principal permitted retail use of the unit.

Reason:

To provide certainty over the nature of retail activities on the site and to ensure that no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994.

9. Of the two units permitted by this consent, Unit 1 is currently occupied by 'Wren' and Unit 2 is vacant, having last been occupied by 'Office Outlet', a stationer, until 20th June 2019. Both 'Office Outlet' and the previous occupiers ('Staples') occupied the building in breach of planning condition 13 as set out above.

Unit 1 - currently occupied by 'Wren'

11. **2014:** Variation of condition 13 of APP 5/95/21727/010/F to enable unit 1 to be occupied by an A1 use. The applicant was Aldi. This permission was refused for the following reason:

The proposal would result in a retail operation that is inappropriate on a retail park designated for DIY retail and bulky goods sales, thereby reducing the provision made for a retail sector that cannot readily be accommodated elsewhere within the Borough. This would undermine the provision for this sector of the retail hierarchy in the strategy for retailing in the Borough and would therefore be contrary to the provisions of Policy PCS 13 of the Poole Core Strategy (Adopted 2009).

12. At the time of this decision 'Unit 1' was occupied by a bulky goods electrical retailer.

Other decisions nearby:

13. **2007:** Units 1A, 1B(A) & 1B(B) Wessex Gate East, Willis Way (units currently occupied by Next and vacant units formerly Maplin and Brantano). Certificate of Lawfulness to confirm use of site as open A1 (Retail) was granted (07/34898/005/K).
14. This was approved because a 2003 consent to divide one unit into two and for alterations to the shopfronts did not re-impose any condition restricting the range of acceptable goods to be sold, having therefore created a new planning chapter unrestricted in this respect.

Proposed Aldi Store at Parris Confectionary 26 Alder Road, Poole:

15. **2020:** (APP/20/00877/F) Full planning application for the demolition of vacant existing buildings, and the erection of a Class A1 discount foodstore and a Class A1/A3 coffee shop with associated access, car parking and landscaping has recently been registered by the Local Planning Authority.
16. **2019:** (APP/18/00510/F) Full planning application for the demolition of vacant existing 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 access, car parking and landscaping, was refused in November 2019. The reasons for refusal were as follows:

1. 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. 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.

Representations

17. In addition to letters to neighbouring properties a site notice was posted outside the site and the application was advertised in the press. 19 Letters of support have been received with one also expressing concern within their letter.

- Would bring healthy competition with Lidl and Tesco nearby.
- Oakdale is not well served with food store since the One Stop closed. Ideal location for a food retailer as it serves local community.
- Reduce travel (and pollution) into Poole to shop at Aldi.
- Store will be within walking distance of many households.
- Current Aldi store in town centre is in high demand and over used.
- Will bring jobs into the area.
- Will encourage more trade in the area.
- There are already vacant units nearby so support this unit being brought back into use.
- Prefer the unit to be occupied rather than being empty, redundant and attracting crime.
- It provides adequate car parking spaces.
- Has potential conflict between traffic turning out of the car park and the nearby entrance to the B&Q car park been properly addressed?

One letter of concern has been received:

- Has potential conflict between traffic turning out of the car park and the nearby entrance to the B&Q car park been properly addressed?

Consultations

18. Transport Policy Manager- Does not object to the proposal subject to conditions.
19. BCP Environmental Health Officer- Noise Impact Assessment is acceptable however the finalised plans of the plant have not been submitted and therefore it is reasonable to condition these details to be submitted.
20. Crime Prevention Officer- Comments made that the proposed cycle parking by the entrance to the store by the trolley park is in a good surveillance area, whereas the cycle parking around the corner may not get regular passing surveillance. Loading bays; glazed doors to fire escapes; and the fire escape near the compound are weak points due to an alcove hiding place for an attacker.
21. Society for Poole- Support the application. The previously expressed concerns (in respect of maintaining the integrity of the retail strategy for Poole) no longer apply to this proposal.
22. An independent retail consultant considered the application's sequential and impact assessment for APP/19/00558/F and also visited the area in late June 2020. The findings of this report remain up to date and therefore relevant to this latest application. They are referred to later in the report.

Constraints

23. The site is within a retail park which is predominately for bulky goods or DIY stores.
24. The site falls within Flood Zones 2 and 3 (based on Environment Agency data).

Planning assessment

Site and Surroundings

25. The building to which this application specifically relates was, until June 2019, occupied by Office Outlet (and previously Staples), selling stationery and office supplies. The adjacent unit which falls under the original 1995 planning consent is occupied by Wren who sell fitted kitchens and bedrooms and are a 'bulky goods retailer', this unit was previously occupied by an electrical bulky goods retailer.
26. The service vehicle access to the buildings runs around the north east side of the application building round to the rear of the site which backs onto Fleetsbridge roundabout.

27. There is a large car park which serves both the application building and Wren. To the northeast is Fleetsbridge roundabout with Tesco's to the north of the application site whose entrance is off the roundabout. To the east are residential properties in Wimborne Rd with a pub incorporating a restaurant on the opposite side of Wimborne Rd, to the southwest is B&Q a bulky goods retailer with a number of other retail units beyond B&Q. To the south east are 2 storey residential properties. The road to the north east is a major road (Wimborne Road) with links to and from Poole Town Centre, and there is a bus stop on this road which is adjacent to the application site. There is a net work of public footpaths adjacent to the site which link the north side of Fleetsbridge roundabout to the south, east and west side of the site, with traffic islands to link the different elements of the wider retail parks together.

Key issues

28. The applicant is seeking planning consent to make alterations to the external appearance of the store; extensions to the building to provide plant and loading bays; and alterations to the parking layout. This proposal is also to allow a food retailer to occupy 'Unit 2' which is currently restricted by the wording of condition 13 of the 1995 planning consent for both units. The condition relates to both units 1 & 2. The reason for the restrictive condition was "To provide certainty over the nature of retail activities on the site and to ensure that no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994."
29. Whilst the red line for the application site includes both Unit 1 (Wren) and Unit 2, to incorporate the shared access and parking areas, planning consent to permit food to be sold is only being sought in respect of Unit 2. Unit 1, occupied by Wren and selling fitted kitchen and bathrooms would remain restricted to the goods allowed to be sold as per the original planning condition.

Sequential and exceptions test

30. The proposed development includes seeking planning permission to allow a food retailer to sell food and drink from unit 2, which is currently restricted due to condition 13 of 5/95/21727/010. The reason this restriction was attached to this 1995 planning consent was "to provide certainty over the nature of retail activities on the site and to ensure no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994."
31. The proposal to allow a 'food retailer' to occupy the unit 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.
32. In support of the proposed development, the applicant has undertaken a sequential test and retail impact assessment and has submitted a Planning & 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 appointed an independent retail consultant to review the submitted sequential test and retail impact assessment on the earlier planning application (APP/19/00558/F). 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, which was received on this earlier application is still relevant to this application and is therefore set out below.

(a) The Sequential Test

33. 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).
34. 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".
35. The application site is allocated as part of a wider area as a Retail Park under Policy PP22, Part (4) (c) of the adopted Poole Local Plan 2018. Designated Retail Parks do not form part of the 'town centre' hierarchy in the Local Plan and it is also not to be classified as a retail land use allocation. Therefore, bearing in mind the distance to the nearest defined 'town centre' the application site should on the advice of the Councils retail consultant, be classified as lying in an out of centre location. 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. Thus, having regard to Policy PP22 part (4) (a) there is therefore a requirement to assess the proposal against both the sequential and impact tests.

36. As part of the sequential test it is necessary to assess whether there are any suitable and available sequentially preferable alternative sites or premises which can accommodate the proposed development. To be a suitable alternative site the site must be able to accommodate a food store which is able to perform a similar role and function to the proposed site the subject of this planning application; and accommodate on site car parking and servicing or take advantage of adjacent parking provision which is able to accommodate the demand generated by a food store retailer of a similar scale and function.
37. The applicant has looked at other sites and premises in the Poole Town centre regeneration Area: Land between Poole Bridge and Twin Sails Bridge; and Poole Town centre north: Dolphin Centre, Land East of the Dolphin Centre, Kingland Crescent, Train Station and Goods Yard, and Sainsbury. The applicant then went on to look at alternative sites and premises within the catchment of the proposal, which is Poole Town Centre, Broadstone, Oakdale and Canford Heath and Creekmoor. The independent retail consultant considers these areas to be a reasonable prediction of the likely catchment of the proposal.
38. 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.
39. The independent retail consultant 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 original submission), the report concludes 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 therefore passed.

(b) Retail Impact Assessment

40. 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:
 - (i) existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(ii) town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

41. 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".
42. 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; and within retail parks the units proposals should be predominately for the use of bulky goods/DIY operators that can't operate in the town centre.
43. Having regards to the potential impact on existing food retail stores in Poole Town Centre, £2.4m is estimated to be diverted from the ALDI store; £1.1m from the ASDA store, and £0.2m from Sainsburys Pitwines. These levels of diversion result in 11.1%, 2.5%, and 0.8% losses of trade respectively. The independent retail consultant advises that from the available survey evidence data both stores are performing very well and therefore does not consider there to be any obvious threat to their future trading viability.
44. BCP has asked the planning agents whether the opening of ALDI on this application site would lead to the closure of the town centre ALDI. The agent responded in Jan 2020 saying that (a) the two ALDI stores have difference but overlapping catchments; and (b) the town centre ALDI store has a very good trading performance - the applicant anticipates store trading to be in excess of 300% of the average turnover for an Aldi store of that size. With the trading of the application site as an Aldi store trading at the town centre Aldi is still anticipated to be over 250% of the average turnover for that size of an Aldi store; which will insulate it from any significant harm as a consequence of diversion to Fleets Lane, and (c) ALDI regularly operate more than one store in medium to large sized towns. The independent retail consultant agrees that the catchments of the town centre ALDI and the Fleets Lane ALDI will also overlap although the decision between the stores is materially greater and, as such, there is much lower risk of the town centre store closing. The independent retail consultant considers this is reinforced by the evidence which suggests a successful trading performance for the town centre store. The agent has also stated that Aldi are on an expansion plan with new additional representation in Poole, rather than alternative provision.
45. In assessing the likely impact on surrounding district and local centres, the independent retail consultant considers that the only noticeable impact is in Broadstone and Canford Heath. They consider that the Marks and Spencer in Broadstone would loose £0.1m, and ASDA at Canford Heath would loose

£1.7m convenience goods expenditure. The independent retail consultant concludes there is likely to be some diversion of trade from Marks and Spencer store, however, there is unlikely to be any particular threat to its future viability bearing in mind it is likely to serve a different food shopping function to the proposed ALDI at Fleets Lane.

46. Having regard to ASDA at Canford Heath, the level of diversion is forecast to be higher due to the greater degree of trading overlap between this store and the Proposed ALDI. The diversion of convenience goods is likely to have a circa -7.6% impact on the convenience goods turnover of ASDA. The Independent retail consultant considers that the store is trading sufficiently well to suggest that there are no obvious concerns for its future viability.
47. The independent retail consultant has inspected land uses present in the following local centres/neighbourhood parades: Northmead Drive; Wimborne Rd/Vicarage Rd; Adastral Square; and Milne Rd. They conclude that with regards to Northmead Drive the Co-op's viability is unlikely to be threatened with only a -0.1% loss of trade; and at Adastral Square Iceland, (frozen food shop) turnover is expected to be limited to -1.5%. The other areas were also assessed and the independent retail consultant concluded that the proposed impact of ALDI at Fleets Corner on these local centres are unlikely to affect the future health of the local centres/neighbourhood parades due to a lack of convenience stores within them
48. Also of consideration is the trade diversion of Tesco at Fleetsbrige and Lidl, Hatchpond Road which the independent retail consultant forecasts as £2.3m and £2.1m respectively. The Independent retail consultant advises that given these two stores are located in out of centre locations, there is no planning policy protection so that the impact on these stores is not considered.
49. The independent retail consultant concludes that subject to appropriate controls (conditions) the proposal is unlikely to have a significant adverse impact upon the health of nearby local centres, nor is it likely to threaten the future of the town centre ALDI store.
50. The applicant argues that the proposed development would deliver other benefits to the local area including opportunities for 30 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 to both local residents and businesses reducing the need for residents to travel further afield, allowing for walk in customers, as well as by public transport and cycling, and allowing for linked trips with the adjacent retail uses around Fleets Lane.
51. Having regards to sustainability the application unit is adjacent to a bus stop on Wimborne Rd which provide links with the Town Centre and is adjacent to a number of residential properties. Therefore, there are a number of alternative modes of travel available to the consumer rather than relying solely on a motor vehicle to access the proposed food store.

52. As such, the proposed development would not be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) (a) and (b) of the Poole Local Plan.

Impact on provision on sale of goods in retail parks (PP22 (4) (c))

53. Part 22 (4) (c) of the Policy regulates the sale of goods as retail parks as follows:-

"In the case of Poole's retail parks, the proposal is predominantly for bulky goods or DIY retail floor space and which is not suited to a town centre location"

54. Therefore this part of the policy also needs to be considered. This proposal is to sell convenience goods in the form of a food store does not fully accord with the policy, however the policy does say 'predominantly' which allows flexibility. At the time the 2014 planning consent was refused for Aldi to occupy the adjacent Unit (1) (currently occupied by Wren) the unit was occupied by a bulky goods operator selling electrical items, therefore in compliance with the condition and policy. Whilst there has been no real material change with regards to this policy between the old Local Plan on which the 2014 consent was refused and the 2018 adopted Local Plan, the nature of shopping for bulky goods has been shifting towards online shopping. There are two other vacant units near the application site the former Brantano, shoe shop and Maplins, electronics store adjacent to Next at Wessex Gate Retail Park. These units have been vacant for over a year. These units are adjacent to each other and have open retail A1 use, however the footprint of these units combined is less than the 1,100 sq m which the independent retail consultant considered was an acceptable lower figure by the applicant demonstrating their flexibility for the sequential test. Therefore, these units combined, would not be a suitable alternative for ALDI, as the combined floorspace would be below the 'flexible' floorspace threshold accepted. The proposed use would bring back into use a vacant building, of which there are also smaller vacant units (former Brantano and Maplins store) nearby which suggest that there is currently low demand for bulky goods/DIY operators. It is considered these factors and the fact that the policy says 'predominately' means that given that the proposal would not be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) (a) and (b) of the Poole Local Plan, the proposal would also not be contrary to part (4) (c) of Policy PP22 for the reasons set out above.

S52 on the site

55. There is a pre-1990 S.52 agreement on this site which addresses the use of the application building and is itself a variation of an earlier agreement. Its provisions are similar to condition 13 of permission 5/95/2127/010/F, and secures that 'no premises erected on the land shall be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of that unit as ancillary to the principal permitted retail use of the unit. This agreement remains in force.

However, the LPA would be unlikely to enforce an obligation that contradicts a later permission. If the application is approved, then the Council should seek to enter into a deed of variation in respect of the historic 'Section 52 agreement' in order that it does not conflict with the new planning permission.

Parking

56. Given that the proposal includes an extension to the building to incorporate a loading bay a tracking plan has been submitted which shows that HGVs will be able to turn and exit within a forward gear, and that deliveries to Wren Kitchens and this unit could occur simultaneously.

57. The proposal includes alterations to the parking layout which includes a reduction in the number of parking spaces from 180 to 140. An additional 5 of these spaces will be marked for disabled parking, there are already 2 disabled parking spaces adjacent to Wren which will be retained, and 9 spaces will be designated as parent and child spaces. The submitted parking survey shows that the parking demands generated by Wren Kitchen could be still accommodated and when compared with the projected parking requirements of the Aldi store, as set out in the submitted Transport Statement, there is unlikely to be significant parking capacity issues at the site. It is reasonable to condition that all parking spaces are shared between units 1 and 2, which reflects the 1995 planning condition on this site.

58. Cycle parking (10 cycle hoops) are proposed to serve the proposals. This is considered an adequate number and is in line with the adopted Parking and Highways Layout in Development SPD. To make the spaces more usable they should be under a sheltered canopy, the details of which should be secured by condition. Refer to condition no.11.

59. Given the red line plan includes Unit 1 (occupied by Wren) and the parking area, and that this application forms a new planning chapter it is important that relevant conditions in relation to the original consent (5/95/21727/10/F) remain where appropriate which includes retaining the approved visibility splays as per the original planning conditions. Refer to proposed condition no. 13 and 14.

60. The draft travel plan refers to staff. It is reasonable to request a travel plan to encourage staff to travel by non car modes. Refer to condition no. 12.

External alterations and extensions and their impact on the character and appearance of the streetscene and area.

61. The proposal includes:

- alterations to the external appearance of the unit including new louvre inserts to the elevations, additional high level windows on the side elevation, and a new shop front including new canopy;
- refrigeration plant and compound to the side (east elevation);

- new loading bay (extension to building) and service ramp on the rear elevation;
- new trolley bay area to the front of the store and cycle hoops,
- alterations to the parking layout and proposed hard surfacing materials.

62. The proposed extension to the rear is relatively small to the overall size of the building and together with the additional high level windows will integrate with the existing building which is within a retail park. The alterations to the front elevation i.e. the shop front and canopy including the design and materials proposed will modernise the look of the unit, these changes will integrate with the existing building and are therefore considered acceptable having regards to the impact on the character and appearance of the area.

Impact on neighbouring properties

63. The closest residential properties are in Wimborne Road which is separated by a public footpath and landscaping including trees, therefore the proposed extensions will not harm the amenities of the closest residential properties.

64. With regards to potential for noise disturbance to the closest residential properties from deliveries by lorries to the site at night time, and noise of music being amplified to workers at night time and the harm to the amenities of the occupants there is no planning restriction on night time deliveries by lorries to the application building and unit 1 (Wren).

65. The proposal includes refrigeration plant within a compound to the east elevation of the building and extract fans on the north, south and west elevation of the building. The refrigeration plant will operate on demand and therefore noise will be intermittent. The specific details and precise location of the plant within the compound have not been provided, however, an acoustic report has been provided which demonstrates that the closest residential receptor at 477 Wimborne Rd, will not be materially harmed by the noise associated with the refrigeration plant in the day and at night time.

Flood risk

66. The applicants report suggests that from referring to the Environment Agency data much of the site is covered by Flood Zone 2 and some within Flood Zone 3, and this flooding risk is from coastal/tidal flooding. However, the flooding and coastal erosion management team (BCP) advise that the levels on the site are higher than the predicted tide levels and therefore much of the site should largely be in flood zone 1. In addition, FCERM have detailed LiDAR survey data which show that at the end of the anticipated life of a commercial development the site would not be at risk. In addition, it is important to note that the building is a reuse of the existing building, rather than new build and therefore the building expectancy is likely to be lower, so during the expected limited life of the building it is not likely to be at risk of coastal/tidal flooding; and the use of the building is no more vulnerable than the authorised use of the building on site.

Contamination

67. The proposed site is located on an area of land which was potentially previously infilled, possibly to stabilise the land prior to development. The current application proposes some extensions to the existing building and therefore this work could have the potential to compromise any existing gas protection measures within/below the building. The existing gas protection measures therefore need to be located, reviewed and a detailed method statement submitted which details the existing measures and the methodology to ensure that the integrity of the existing gas protection measures will not be compromised, for example through new penetrations of the ground slab or by construction of new service trenches that could create gas migration pathways. The document should include a risk assessment showing that the building will be adequately protected from ingress of ground gas. The method statement should include proposals for the ongoing maintenance of the protective measures.

68. The applicant has not actively sought to make an assessment, of any existing gas protection measures. Therefore further gas monitoring (internal/external) should be undertaken to fully characterise the current ground gas regime at the site, in line with current guidance, which has moved on since the original site investigation would have been undertaken at this site, and this needs to be carried out prior to any building works being undertaken on the site. This can be secured by the appropriate planning condition.

Summary

69. The proposal passes the sequential and impact test and the viability of the town centre will not be under threat and will not, with this proposal, lead to the closure of the ALDI store in the town centre; and the viability on convenience stores in other local centres, would not have a 'significant adverse impact', and therefore the sequential and impact test is passed.

70. Material planning considerations demonstrate that the use of the unit within the retail park for food and convenience goods would not cause material harm to the part (4) (c) of Policy PP22 which seeks to have uses that are predominately bulky goods/DIY retail floor space.

71. The proposal would bring back into use a vacant unit on a retail park which has other vacant units close by.

72. The proposed site is in a sustainable location for residential properties and businesses and adjacent to a bus stop to enable a choice of travel modes to the Unit.

73. The proposed extensions and alterations will not cause harm to the character or appearance of the area.

74. The noise associated from plant will not materially harm the amenity of nearby residential properties.

75. 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

76. The proposed development would deliver economic benefits through the creation of jobs during both the construction (internal building layout) and operational phases of the development that would boost the local economy; environmental benefits through the re-use of a currently vacant building and the delivery of a development 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. This outweighs the loss of a unit and its floorspace within the retail park for bulky goods/DIY.
77. The independent retail consultant concludes that subject to appropriate controls the proposal is unlikely to have a significant adverse impact upon the health of nearby local centres, nor is it likely to threaten the future of the town centre ALDI store. As such, the proposed development would also comply with the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) of the Poole Local Plan.

Background Documents:

78. Case File ref: 5/95/21727/010/F, APP/19/00558/F and APP/19/01502/F

RECOMMENDATION

It is therefore recommended that Planning Permission be granted subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision

1. GN150 (Time Expiry 3 Years (Standard))

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)

The variation of condition hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 180040-1100-P2 received 3/08/2020

Site Plan as Proposed 180040-1400 P4 received 3/08/2020

Proposed Roof Plan 180040-1402 P3 received 3/08/2020

Proposed Floor Plan 180040-1401 P3 received 3/08/2020
Proposed Elevations (Sheet 1 of 2) 180040-1500 P2 received 3/08/2020
Proposed Elevations (Sheet 2 of 2) 180040-1501 P2 received 3/08/2020
Plant Compound 1270 - R6 received 3/08/2020
Visibility Splay Overlay 180040-1403 P1 received 3/08/2020

Reason -

For the avoidance of doubt and in the interests of proper planning.

3. RC060 (Limitation on Use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof:-

UNIT1 as identified on plan 180040-1100-P2 (received 03/08/2020), shall not be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of unit 1 as ancillary to the principal permitted retail use of the unit; and

UNIT 2 as can be identified on plan 180040-1100-P2 (received 03/08/2020), shall not be used for the sale of clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of unit 2 as ancillary to the principal permitted use of this unit.

Reason -

The application relates to Unit 2, and is specific to the future occupier having regards to the retail impact and sequential test. The impact of varying this condition on Unit 1 has not been assessed as part of this planning application. To be complaint and in accordance with Policies PP22, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

4. AA01 (Non standard Condition)

The maximum size of the net sales area of the food store in Unit 2 as can be identified on the proposed floor plan 180040-1401 P3 (received 03/08/20), shall be 1,315sq m with no more than 20% of the net sales area (263sq m) being devoted to the sale of comparison goods.

Reason-

The application relates to Unit 2, and is specific to the future occupier having regards to the retail impact and sequential test. To be complaint and in accordance with Policies PP22, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

5. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof Unit 1 and Unit 2 shall not be sub divided.

Reason-

The application is specific to the future occupier of Unit 2 having regards to the retail impact and sequential test, and in accordance with Policy PP22 of the Poole Local Plan adopted 2018

6. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent enactment or re-enactment thereto, no alterations shall be undertaken as to allow any additional retail floor space on any mezzanine floor to Unit 1 & Unit 2.

Reason-

To ensure a balance is maintained between floor space and car parking and in accordance with the Parking and Highway Layout in Development SPD and in accordance with Policy PP22 of the Poole Local Plan (November 2018).

7. AA01 (Non standard Condition)

Unless otherwise agreed by the Local Planning Authority, no works (other than alterations to the shopfront) shall be undertaken until requirements 1-2 below have been complied with:

1/ Review of gas protection:

A review of the existing gas protection design measures shall be undertaken, and a report and location plan shall be submitted to and approved in writing by the Local Planning Authority before any works (other than alterations to the shopfront) are undertaken.

AND EITHER

2a/ Method statement:

A detailed method statement, based on the above review, which describes the existing gas protection measures and the proposed methodology during construction of the extensions/works (other than alterations to the shopfront) to ensure that the integrity of the existing gas protection measures will not be compromised. This shall include a risk assessment demonstrating that the proposed building will be suitably protected by the existing gas protection measures from ingress of ground gas, particularly in small, enclosed spaces. This method statement shall be submitted to and approved in writing by the LPA, and thereafter carried out in accordance with the agreed details.

OR

2b/ Monitoring, remediation and verification:

Where the applicant does not wish to maintain the existing gas protection measures (as described in 2a), then further gas monitoring (internal/external)

and a risk assessment shall be undertaken to fully characterise the current ground gas regime at the site, in line with current guidance to determine if there is a need for ongoing gas protection at the site, the details of the gas monitoring and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the extensions/works other than alterations to the shopfront). Furthermore, where the need for gas protection is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the LPA prior to first occupation of the building pursuant to this consent. Reason - In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. AA01 (Non standard Condition)

Notwithstanding condition 7 above, in the event that any new contamination is found at any time when carrying out the approved permission that has not been previously identified, it must be reported in writing immediately to the LPA. An investigation and risk assessment must be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site in relation to the proposed use of the site hereby approved and documenting the actual ground conditions found on site and an appropriate quantitative 2 assessment of risk to identified receptors. The site investigation and risk assessment must be undertaken by a competent person/s. Where remediation is necessary, a remediation scheme must be prepared specifying remedial works and measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters and to avoid risk from contaminants and/or gases. The scheme shall be submitted to, and approved in writing by, the LPA and shall thereafter be implemented in accordance with the approved scheme. Following completion of the measures identified in the approved remediation scheme, a verification report must be prepared that demonstrates the effectiveness of the remediation carried out and submitted to, and approved in writing by, the LPA. Reason - In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

9. AA01 (Non standard Condition)

Prior to first occupation of the building, full details of the plant proposed within the plant compound area shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be erected in accordance with the

approved details.

Reason-

The precise details have not been submitted but the noise report confirms that the plant will not cause harm noise/disturbance to the closest residential receptor and in accordance with the NPPF 2019.

10. AA01 (Non standard Condition)

All external facing and roofing materials to be used shall be carried out in accordance with the details as set out in the application forms and as identified on the plans.

Reason -

To ensure that the external appearance of the building is satisfactory and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

11. HW110 (Cycle Provision)

Prior first occupation of the building, details of the shelters for the secure cycle parking shall submitted to and approved by the local planning authority, and shall be carried out in accordance with the agreed details and thereafter retained.

Reason -

In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

12. AA01 (Non standard Condition)

Prior to the first use of the retail Unit 2 as can be identified on the approved plan, a Travel Plan including appropriate measures to encourage staff to travel to and from the site using more sustainable modes of transport, together with securing appropriate monitoring, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter the agreed measures shall be fully implemented and continued in perpetuity.

Reason -

To encourage more sustainable modes of transport in the interests of highway safety and efficiency, in accordance with policy PP35 of the Poole Local Plan (2018).

13. HW200 (Provision of Visibility Splays)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays shown in the colour PURPLE as indicated on the approved plan 180040-1402 P1 (received 03/08/2020) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason -

In the interests of highway safety and in accordance with the approved plans and Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

14. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no structure shall be erected or plants grown over 1.0 metre in height within the forward visibility sight line coloured YELLOW as indicated on plan 180040-1403 P1 received 03/08/2020.

Reason-

In the interests of highway safety and in accordance with Policies PP34 & PP35 of Poole Local Plan adopted 2018.

15. AA01 (Non standard Condition)

The car parking as can be identified on the proposed site plan 180040-1100-P2 shall be shared between the two units at all times and not allocated.

Reason-

To ensure that adequate car parking is available and in accordance with Policy PP34 Poole Local Plan adopted 2018.

16. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning spaces and vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

Informative Notes

1. IN72 (Working with applicants: Approval)

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/agents 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.