

1.0 Application Number: 6/2019/0443

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0443>

Site address: Upton Oil Co Ltd, Blandford Road North, Upton, Poole, BH16 6AA

Proposal: Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated access, car parking and landscaping

Applicant name: ALDI Stores Ltd

Case Officer: Peter Walters

Ward Member(s): Councillor Alex Brenton, Councillor Bill Pipe & Councillor Andrew Starr

The application is being presented to the Planning Committee as the Service Manager for Development Management and Enforcement considers that it is appropriate for the Committee to determine the application.

2.0 Summary of recommendation:

GRANT subject to conditions and a S106 agreement or refuse if S106 agreement is not signed

3.0 Reason for the recommendation: as set out in paras 16 at end

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – within the settlement boundary of Upton. Considered to be an edge of town centre site with no other suitable sites within Upton.
Impact on the viability of Upton Town Centre	Acceptable – impact on the viability of other stores within Upton not

	considered to be sufficient enough to result in their closure
Scale, design, impact on character and appearance	Acceptable – scale of the building is not excessive and the standardised design is not harmful to the character and appearance of the area
Impact on amenity	Acceptable – store set away from nearest residential properties so not overbearing. No concerns regarding privacy. Parking spaces are set away from the gardens of neighbouring residential properties. Hours of operation and delivery times will be the subject of a condition.
Highway safety and Parking	Acceptable – subject to conditions and Section 106 agreement
Flooding and Drainage	Acceptable – subject to conditions
Contaminated Land	Acceptable – subject to conditions
Proximity to SSSI heathland	Acceptable – proposed use is not considered to be likely to increase or encourage use on protected heathland.
Biodiversity	Acceptable – Biodiversity Mitigation Plan has been approved by the Natural Environment Team
Proximity to Public Right of Way	Acceptable – however public right of way must not be blocked without prior consent
Economic Benefit	The equivalent of 30 full time jobs would be provided by the development.

5.0 Description of Site

The site is a plot of land 0.79 hectares in size, situated to the east of Blandford Road North (B3068) and to the south of the main A35 dual carriageway. Access is to the west of the site from Blandford Road North. To the north west of the site is the interchange between the A35 Lytchett Minster to Poole Road, the A350 to Blandford and the B3068 Blandford Road North to Upton Town Centre and Hamworthy. This is screened by established vegetation. The height of the road at this corner is approximately 4.5m above the ground level of the site.

Between the screening and the site is a small stretch of road, formerly forming part of the A350 Blandford – Poole route prior to the construction of the bypass. The road formerly sited a mini recycling centre however, it is now unused but remains accessible. The land is in the ownership of the Council.

To the east of the site is some screening, with residential properties abutting the site boundary. Similarly residential properties are adjacent to the southern boundary of the site. To the north west of the site is public open space, owned by Upton Town Council, featuring a skate park.

Two public rights of way exist, beginning beyond the north-western corner of the site. The first is a bridleway SE18/6 that runs along the northern border of the site, the second is a footpath, SE18/25 that runs away from the site. Both footpaths join the former road.

The site has most recently been used by the Upton Oil Company. It has a dual use as an oil depot and petrol station. It is unclear when this use first began however historic mapping indicates that it was established by the end of the Second World War.

The site is currently not in use, however the previous buildings and structures remain, with the exception of the fuel pumps. The scale of the buildings varies from single storey flat roof huts to the main building which is approximately 7.3m in height.

The ground level of the land changes, with the eastern end of the site, nearest Upton Close is at a higher ground level than the rest of the site (the north western part of the site is lowest at 19.47m above datum whilst the highest point at 23.26m).

The west of the site was formerly open, with a low level wall providing a physical boundary. An earth bund has subsequently been installed for security purposes. The rest of the site is bounded by a steel fence, approximately 2m in height. There is little in the way of vegetation on the site, the exception being three trees on the western boundary facing onto Blandford Road North, and another set in the south eastern part of the site.

The surrounding area is predominantly residential nearly all of it mid-20th Century development. The area is characterised by the different phases of residential development, with varying densities and building scales. Upton Town Centre is approximately 240m to the south of the boundary of the site, which has a dispersed layout, with a number of businesses.

6.0 Description of Development

The proposal is to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space of which 1315 square metres will be used as the

retail area and the rest of the space used for storage and staff facilities. A bay for unloading deliveries will be constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The store will have a mono pitched roof, which at its lowest point on the eastern elevation is approximately 4.9m and at the highest point on the western elevation is approximately 8.7m. It will be at its longest point (including the front canopy) approximately 60m, and at its peak width, including the warehouse area approximately 37.5m.

The proposal includes the formation of a new car park, providing 132 car parking spaces, of which two will provide an electrical charging point, and 8 will be designated as parking spaces for parents with young children. The car park will also provide 4 parking spaces for disabled users and 10 spaces for bicycles.

A new access is also proposed as part of the development. A totem sign is proposed however the applicant has indicated that they will apply for separate advertisement consent if this application is approved. The proposal also includes a planting and landscaping scheme for the car park.

7.0 Relevant Planning History

- The use of the land as an oil depot and garage was established prior to the introduction of the planning system.
- In 1952, an application to extend the garage and workshop was approved (reference 301738).
- In 1957, advertisement consent for the erection of an illuminated sign was approved (reference 304380).
- In 1959, an application for a further extension was approved (reference 305396).
- In 1959, an application to make alterations to the forecourt and access at Upton Oil Company was approved (reference 305683).
- In 1959, an advertisement consent application for further signage was approved (reference 305835).
- In 1959, an application to erect an additional workshop and office accommodation was approved (reference 306019).
- In 1961, an application for an oil storage building was approved (reference 307659).
- In 1967, an application to site four new storage tanks was approved (reference 312711).

- In 1999, an application to site a new autodiesel storage tank to replace the two existing tanks was approved (6/1999/0035).
- Later in 2000, an application to erect a chain link perimeter fence with barbed wire on top supported by angled posts was approved (6/1999/0840).
- In 2003, an application to install new fuel storage tanks and loading gantry, a new loading bay and off-loading point was approved (6/2003/0837).
- In 2010, permission was granted to reposition the kiosk and fuel tank to accommodate the pedestrian hard standing (6/2010/0596).

8.0 List of Constraints

- Within settlement limit
- Historic Contaminated Land - Description: Oil storage depot
- Heathland Consultation Area
- Adjacent to public right of way
- Surface water flooding risk

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

Natural England

- No objection in principle
- However, further information required regarding how reptile populations will be avoided and their habitats enhanced.
- Also concerns about changes to the right of way encouraging more people to access the heathland.
- The Biodiversity Mitigation Plan should be accompanied by a certificate from the Natural Environment Team
- These matters have now been addressed and Natural England have no objections to the proposal

Environment Agency

- No objections subject to conditions in relation to a further more detailed assessment being undertaken, verification that the works have been carried out, monitoring of the works and agreement to submit further details if additional contamination is discovered.

Lambert Smith Hampton (Council's Retail Consultant for this application)

- Initial response outlined the need to include convenience goods stores in Poole Town Centre in the Retail Impact Assessment.
- Consider that the proposal would have an impact of -12.5% impact upon Upton Town Centre and -19% trade diversion on convenience stores in Poole Town Centre
- The impact upon both Upton and Poole Town Centres would not be sufficient to adversely impact their vitality and viability.
- A condition should be included on the planning permission restricting the use to being a deep discount retailer, as this will protect other businesses in Upton that could otherwise be adversely affected, leading to harm to the vitality and viability of Upton Town Centre.

Dorset Council Economic Development

- Positive economic contribution
- Reduces the need for car travel elsewhere

Dorset Council Public Health

- Querying the daytime and night-time figures for consideration of background noise levels
- Recommends that deliveries only take place between 08:00 and 22:00
- Contaminated land remediation is considered to be acceptable
- Conditions are recommended

Dorset Council Planning Policy

- Officers will need to consider there are alternative suitable sites and whether the development will be harmful to Upton Town Centre

Dorset Council Lead Local Flood Authority

- Acceptable scheme for the discharge of surface water run-off utilising the existing Highways Drainage system, at an attenuation of 14l/s.

Dorset Council Rights of Way Officer

- Public right of way must be remain free of obstruction
- Damage must be suitably repaired

Dorset Council Highways Team

- No objections subject to the provision of an uncontrolled pedestrian crossing
- Also provision of bus shelters, layby and right turn lane required
- In addition, disabled parking spaces, cycle spaces and electric vehicle charging points to be provided as per the supplied plans.

Dorset Police Crime Prevention Officer

- Liaised with agents in designing scheme so no further comments to make

Cllr Pipe (Ward Member)

- No objection in principle to the development

Cllr Starr (Ward Member)

- Requested that the application is considered by the committee due to concerns regarding the uncontrolled crossing to the western side of the site.

Lytchett Minster and Upton Town Council

- No objection in principle
- Would like to see the vegetation on land between the site and the A35 (Dorset Council owned land) cut back to improve sightlines
- Would like clarification of the boundary
- Would like to see the bus stop relocated
- Would like to see the repositioning of the disabled and parent and child spaces
- Would like to see dog tether facilities
- Would welcome S106 contribution to the provision of town facilities

Representations received

The Council has received 372 responses from neighbours, 24 objecting to the proposal, including one representing Lidl, 310 in support of the proposal and 38 making comments, supporting the proposal subject to some matters being addressed.

The objections are as follows:

- Lidl have commented that they consider that the proposal should be considered to be an out of town centre site and therefore should not be supported due to impact on Upton Town Centre
- Lidl have also commented that they believe the proposal is likely to draw trade away from other shops within Upton Town Centre
- Lidl have also commented that there is no provision for this in the Purbeck Local Plan Part 1 nor the Emerging Purbeck Local Plan
- Impact on the highway network and highway safety
- Impact of noise and car fumes on the neighbouring residents and air pollution levels in Upton
- Concerns regarding the former use and the underground fuel tanks
- Reduced value of neighbouring properties
- Concerns regarding pedestrian safety crossing the road
- Concerns regarding delivery times and impact on the living conditions of neighbouring residents

The letters of support are for these reasons:

- Privacy is not a concern
- This use is preferred to housing or other uses
- It would be a welcome addition to the area
- It is a good use of a derelict site and reuses a brownfield site
- It would provide employment
- Infrastructure for Upton such as this is needed as the town is growing rapidly

- Local people would have the option of walking to pick up groceries
- The current retail provision in Upton is inadequate

The comments made in general about the proposal include:

- Showering facilities should be provided for staff to offer the opportunity for staff to travel to work sustainably.
- Replacement walls need to be solid so that the same level of privacy for neighbouring residents is maintained.
- Lorries should not be permitted to stay overnight
- The crossing on Blandford Road North should be traffic light controlled.
- Visibility for exiting the site will need to be addressed

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy RP: Retail Provision

Policy D: Design

Policy FR: Flood Risk

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy RFS: Retail Floor Space Supply

Policy CF: Community Facilities and Services

Emerging Purbeck Local Plan:

Regard has been had to the policies of the emerging Local Plan but none are considered to be material to the determination of this application.

National Planning Policy Framework:

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Other material considerations

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020

Strategic Flood Risk Assessment 2018

Dorset biodiversity appraisal and mitigation plan.

Purbeck townscape character appraisal supplementary planning document adopted August 2012 - Upton

Landscape Character Assessment (Non AONB)

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

- Parking spaces for parents with young children and persons with disabilities or mobility impairments are provided close to the shop entrance.
- A customer WC will be provided that will be able to be used by those with mobility impairments.

13.0 Financial benefits

What	Amount / value
Material Considerations	
New jobs created	30 full time equivalent jobs
Non Material Considerations	
Business Rates	£120,000.00 pa

14.0 Climate Implications

The proposed development may have some benefits from a climate perspective by providing a supermarket that can be accessed by bicycle or on foot by nearby residents.

15.0 Planning Assessment

Principle of development

The site is situated within the settlement boundary of Upton. Policy LD of the Purbeck Local Plan Part 1 states that new development should be focussed within towns and villages that have a settlement boundary. The policy then provides a hierarchy of settlements. The towns within the plan area, which include Upton, are considered to be the most sustainable locations for development. Therefore, the proposal is compliant with Policy LD. The site is

previously developed land that is currently not in use. The National Planning Policy Framework (NPPF) encourages previously developed land to be favoured for new development where it is appropriate to do so to reduce the need for undeveloped sites to be used.

The edge of the site is within 300m of the town centre, as defined in the accompanying proposals map. As such, the site is considered to be an edge of centre location.

Paragraph 86 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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.”

In this instance, the applicant has stated that no town centre locations are available for the development of the supermarket. Officers consider that there are no other sites within the town centre limits (which is strictly defined) that would be suitable for a development of this scale. This being the case, as the site is considered to be an edge of centre site, it is considered to be an acceptable for retail development, in accordance with paragraph 86 of the NPPF.

Policy RP: Retail Provision of the Purbeck Local Plan Part 1 states that new retail development should be commensurate with Policy LD of the Local Plan, in that it should be focussed within the Town Centre. The policy states that development outside the town centre that adversely affect their vitality and viability will not be permitted. The impact of the proposal on these grounds will be considered in greater detail below.

Officers note that Policy RFS: Retail Floor Supply highlights a need for 1300 (net) square metres of food retail floor space in the plan area, with this being predominantly located within Swanage. The proposed net retail floor area for this development is 1315 square metres. This is more than the entire allocation within the plan area.

The Local Plan has calculated that 1300 square metres of floor area is that which is required to meet the needs of the plan area. However, officers consider that this does not provide a cap on the amount of retail floor space that can be developed in the plan area. Officers are satisfied that, so long as the development can be demonstrated not to have an adverse effect on surrounding retail town centres, the proposal is, in principle acceptable.

Impact on the viability of Upton Town Centre

Although paragraph 89 of NPPF requires a Retail Impact Assessment for new retail development in excess of 2500 square metres (gross) of floorspace it allows for different thresholds if they form part of an adopted local plan. In this instance, the Purbeck Local Plan Part 1 has adopted a threshold of 1000 square metres, after which a Retail Impact Assessment (RIA) must be provided. Accordingly, a RIA has been supplied, and the impact on the viability of Upton Town Centre must be considered.

The proposed development would significantly increase the retail offer in Upton. Aldi's business model is to provide limited food lines (approximately 1500, which is significantly smaller than "traditional" supermarkets that typically would have between 2500 – 40000 lines), with some ad-hoc sales of other goods. The stores do not sell Tobacco, stationary goods or pharmacy goods and there are no food counters (for example fishmongers or butchers). As a result, the store would compete with a limited number of other stores. At present, within Upton there are a number of small stores, many independent, many of whom provide goods that either would not be on sale in the store, or would only be sporadically on sale in the store (for example Upton Hardware Store and Numark Pharmacy).

The Council has sought independent advice from Lambert Smith Hampton Consultancy (LSH) regarding the proposed development, specifically its impact upon the viability of the town centre of Upton and other retail centres where appropriate. LSH concluded that Poole Town Centre should be considered in addition to Upton as part of the appraisal of the impact of the proposed development. This is due to the catchment being considered to be approximately 10 minutes' drive from the site.

LSH has assessed the RIA provided in relation to the Aldi store and concluded that the forecast turnover shown in the assessment is considered to be a reasonable estimate and therefore, the RIA is considered to be appropriate in providing details on how much turnover is therefore likely to be diverted from other stores in the area.

In terms of trade diversion from other stores, the applicant has estimated that 20% of trade in the store will come from customers previously using Lidl on Blandford Road in Hamworthy, and 20% from Tesco Extra on Fleets Lane in Poole. As these are both out of centre stores, this is not considered to be harmful in planning terms (competition between stores is not a material planning consideration).

With regards to the impact on Upton Town Centre, it is noted that the Co-op store, which also includes the post office, is situated outside of the defined town centre as set out in the Purbeck Local Plan Part 1. As such, it is not the subject

of NPPF paragraph 85 which seeks to promote the long term vitality and viability of town centres.

The applicant has estimated that the proposal would have an estimated impact on the turnover of other convenience stores in Upton of -6.4%. LSH have considered their figures and do not consider that this fully accounts for top up shopping, which the applicant suggests will not happen. LSH have instead projected a figure of -12.5% loss of turnover for convenience stores within Upton, and a higher figure of -20.9% turnover for the Co-op store.

It is accepted therefore, that the proposed development will have an impact on the turnover of some stores within Upton. However, the reduced turnover does not necessarily result in a loss of viability of town centre stores. As discussed, the Co-op store, which is considered to be the most significantly impacted store, is situated outside of the town centre and therefore is not afforded the protection. The impact on convenience stores in Upton Town Centre is considered to be -12.5% and this rate is not considered to result in the stores being unviable, based on the guidance provided by LSH. It should be noted that other stores and businesses in Upton Town Centre (for example the pharmacy and the hardware store) are unlikely to be significantly affected by the proposals due to the nature of the goods being sold at Aldi.

Officers consider that it is appropriate to condition any approval to ensure that should the company's business model alter in the future, it would not be in a position to sell goods that would have a harmful impact on the viability of other stores within the town centre.

In relation to Poole Town Centre, the proposal is considered to have an impact on Convenience Retail stores in Poole Town Centre, trade diversion is considered to be approximately -19%. Once again, other stores in Poole Town Centre would not be affected by the proposals. As Poole Town Centre is largely derived of comparison goods stores (i.e. not food or general groceries) the impact on the vitality and viability of Poole Town Centre is considered to be low and therefore acceptable.

Taking into account the above factors, officers consider that proposal will not have a harmful impact on the vitality and viability of either Upton or Poole Town Centres.

Scale, design, impact on character and appearance

The area is characterised largely by residential development, with residential properties adjacent to the site on the east and southern boundaries. However, the site has had an industrial character that predates nearly all the residential development that now surrounds it. It is therefore considered that a non-

residential use on this site would not be detrimental to the well-established different character.

The proposed store utilises a standardised design for discount retailers, with a mono-pitched roof rising from a height of 4.9m to a maximum of 8.7m. The building is approximately 60m in length and 37.5m in width. As such, the scale of the building would be significantly greater than that of the surrounding buildings. While the footprint would be noticeably larger than any single building currently present on the site, it would replace a number of smaller buildings that are currently dispersed around the site. Therefore, although the mass is concentrated in one block, the site itself as a whole would not be significantly more developed than at present.

In terms of the height of the building, the tallest structure currently present has a height of approximately 7.4m. Officers note that this is only 1.3m less than the proposed store, and it is noted that the majority of the roof will be lower than the roof ridge of the existing building is. As such, while it is clear that the scale of the new store would be greater than that of the existing buildings, it is not considered that the scale is increased sufficiently to cause harm to the character of the area.

The design is considered to be relatively functional. Glazing is primarily limited to the south elevation of the store, which faces the proposed car park. There is a degree of glazing on the west elevation, primarily around the entrance to the building. There is also a small amount of high level glazing on the west elevation to allow some light into the store. No glazing is proposed on the north elevation of the building and two modest windows are proposed on the east elevation serving the staff areas. The west elevation would in principle be the primary elevation, facing the road. In this respect the design does not make a significant contribution to the street scene. However, officers note that the rising level of Blandford Road North as it approaches the road junction means that views from the road are somewhat limited, those that are available will likely be at a similar height to the high level windows. This being the case, the orientation of the glazing on this proposal is considered to be acceptable.

In terms of materials for the store, the applicant is proposing that the walls are clad in a combination of anthracite grey (RAL 7016) and metallic silver (RAL 9006) cladding on a red brick plinth. The two cladding materials are patterned on the building to prevent a single mass of cladding. The roof will be clad in composite roof panels all in anthracite grey. Once again, this is fairly atypical of the design of discount supermarkets. Given that the character of the site is different and more industrial in nature, the replacement of these buildings with the proposed store is not considered to be incongruous with the character that was already established.

The car park will cover the majority of the site. However, the majority of the current site is also hard surfaced. As such, the character of the area is not considered to be harmfully impacted. The proposal also includes landscaping around the edge of the carpark which will offset its impact. It is noted that the green space on the western boundary of the site is largely maintained, in keeping with the existing character of the area.

Taking the above matters into account, officers consider that the proposal would not have a detrimental impact upon the character of the area.

Impact on amenity

As previously mentioned, the area is largely residential. However, the use of this site as a petrol station and oil depot has been established prior to the construction of the majority of the residential properties. The change of use of the site is likely to lead to an intensification of the use of the land compared to the business that was on the site previously. However, officers are mindful of the planning use of the site and accept that alterations could be made to the existing site that would also have the effect of increasing the intensity of the use.

The applicant has proposed opening hours of 08:00 – 20:00 Monday – Saturday and 10:00 – 17:00 on Sundays and Bank Holidays (subject to Sunday trading laws). However, the accompanying statement advises that deliveries could be made between 07:00 and 23:00 without having a significant impact on noise in the area. The Public Health Team have disputed this claim and officers agree that although the delivery lorry will only make noise while manoeuvring into position, there is also associated noise with unloading the deliveries on cages and trollies that make noise as well as noise generated by the people working on unloading the delivery. While officers appreciate the business perspective of having deliveries take place outside of opening hours, given the residential properties that are nearby to the store, there are significant concerns about the impact that this could have on the living conditions of the nearby neighbours. Consequently, in line with the Public Health Team, officers intend to apply a condition restricting the opening hours to those requested and requiring deliveries to take place within those opening hours.

Some of the car parking spaces are situated in close proximity to the residential properties, notably those in both Warbler Close and Upton Close. A 2.4m close boarded fence is proposed along these boundaries which will serve to reduce the impact of the car park on these properties. The parking spaces are also situated away from the fencing, with some landscaping between the spaces. As such, the nearest dwelling to a parking space (18 Warbler Close) would be approximately 5.5m away (it is noted that a garage is closer, however this is not used as a habitable space). Officers are satisfied that this distance will be sufficient to protect the amenity of the residents of the neighbouring properties.

The main building is situated well away from the residential properties (over 30m away). The highest point of the roof is situated on the west elevation, which is further away from the residential properties. Officers are satisfied therefore, that the scale of the building would not have an overbearing effect on the nearest residential properties.

In terms of privacy, only a ground floor is proposed and as such there are no concerns with regards to the impact of the proposals on the privacy of the neighbouring residents.

The proposed development will require relatively significant levels of external lighting. Details of this have been provided and the Public Health Team have not raised any concerns in relation to the proposed scheme. This will be achieved by means of a condition. In addition, a condition will be applied requiring the lighting to be switched off once the store has closed. The Public Health Team have suggested that the external lighting should be off when the store is closed. However, officers note that customers are not required to be out of the store by closing time, but should be completing their purchases. Therefore, it is likely that there will be members of the public leaving the store after it has closed. Additionally, members of staff will leave once the store is closed. Officers therefore consider that it is reasonable to condition that the external lighting will be switched off an hour after the store has closed.

Taking the above factors into account, it is considered that the proposal would not result in an unduly harmful impact on the amenity of the neighbouring residents.

Highway Safety and Parking

The proposed store would provide a car park to accommodate 136 vehicle parking spaces, including four for disabled users and 10 cycle spaces. To the north east of the site will be a loading bay for use by delivery lorries. A new vehicular access will be formed onto Blandford Road North.

The site is situated close to the junction between the A35 Upton Bypass dual carriageway, a primary route in the area, the A350 route to Blandford Forum and the B3068 Blandford Road North which passes through Upton and Hamworthy en route to Poole (this road has a weight restriction beyond Upton Crossroads preventing it from being a primary route into the town).

The Council's Highways Engineer has been consulted on the proposal. He has noted that discount food retailers such as Aldi are known to generate relatively few trips. It is calculated that the proposed development will calculate one trip per minute from the south and one trip per minute from the north. Of these, the applicant estimated that 20% of trips will be made from those passing by, while

80% of trips will be with the store as the primary destination. The Highways Officer considers these figures to be robust.

The applicant has undertaken an assessment on this basis. A new junction will be formed to provide access to the site. To facilitate this, a right turn lane will need to be installed for traffic travelling from the south. The Highways Officer is happy with this approach.

The Highways Officer has indicated that the proposal would be acceptable subject to the provision of the right turn lane, a new pedestrian refuge to allow pedestrians to cross from the west of Blandford Road North, new bus shelters to replace on the eastern side of the road, the bus stop that will be lost and on the western side of the road to improve existing facilities. In addition, a layby will need to be provided on the southbound side of the road to improve visibility from buses entering the road. Further, the provision for cycle parking will need to be provided, as well as the parking spaces for disabled users and parent and child users. The proposed electric vehicle charging points will also need to be installed as proposed. These will all be the subject of planning conditions.

In addition to this, an agreement will need to be met to monitor the use of the uncontrolled pedestrian crossing. If it is established over a five year period that there is sufficient pedestrian use of the crossing, an agreement must be in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This will be achieved by means of a Section 106 agreement.

In terms of parking spaces, the number is considered to be sufficient for the size of the store.

Flooding and Drainage

The site is not near any rivers or coastal areas. As such, it is in Flood Risk Zone 1 with regards to fluvial and coastal flooding, and is not considered to be at high risk of flooding. However, the area is identified as being at high risk of surface water flooding.

The lead local flood authority has been consulted on the proposals. They initially objected to the proposal due to the potential for issues resulting from surface water flooding. They raised concerns that the proposed discharge of surface water was to a receiving system of which it was unclear who had ownership of the system. They suggested a number of different options.

The applicant has subsequently provided a revised drainage strategy. They have agreed in principle to discharge surface water to an existing highway drain. In addition, the water will be attenuated, allowing a discharge rate of 14 l/s. The lead local flood authority consider this to be a betterment than the existing arrangement, whereby the water is not attenuated and therefore more prone to

pond at certain parts of the site. The system will be gravity controlled, with the exception of the loading bay, which will be situated below ground (which is required in order for the vehicles to be unloaded at the correct height). A pump will be used to drain this area.

Taking the above into account, the lead local flood authority has indicated that the proposal will be acceptable subject to conditions requiring finalised details of the drainage system being submitted and agreed by the Council. In addition, a further condition regarding the management of the site will be required to be submitted.

Contaminated land

The site has been in use as a storage depot from oil products and also as a petrol station. As such, there is a high potential for significant contaminants to be present on the site. The applicant has submitted a number of documents in relation to resolving the existing contamination issues. Both the Environment Agency and the Council's Land Contamination Team have considered the proposals and raised no objections subject to a number of conditions relating to the proposal. These include conditions in relation to a further more detailed assessment being undertaken, verification that the works have been carried out, monitoring of the works and agreement to submit further details if additional contamination is discovered. The Land Contamination Team also require the monitoring of groundwater to take place to monitor for Light Nonaqueous Phase Liquid (LNAPL) plume.

It is noted that there are underground fuel storage tanks. The applicant proposes the removal of these tanks and the identification of areas below the tanks that could have LNAPL plume. The Environment Agency and the Council's Public Health team are satisfied with this approach.

Subject to these conditions, the proposal is considered to be acceptable with regards to land contamination.

Proximity to SSSI heathland

The site is situated approximately 150m from the Upton Heath SSSI. As such, Natural England have been consulted on the proposal. While they initially raised concerns about the proximity to rights of way and encouraging use of heathland, it is acknowledged that two rights of way already exist to the north of the site. Accordingly, Natural England have withdrawn their objection and it is considered that the proposal will not have a detrimental impact on the nearby SSSI heathland.

Biodiversity

Given the size of the site, and its proximity to SSSI heathland, a biodiversity survey has been undertaken. Only a few bats were noted passing the site, and no roosts were discovered. However, the applicant has prepared a biodiversity enhancement scheme, which has been approved by the Natural Environment Team. A condition will be applied requiring the implementation of the enhancement scheme. The proposal is therefore considered to be acceptable in terms of biodiversity interests.

Proximity to Public Right of Way

The site is adjacent to two public rights of way that pass to the northern side of the site, connecting to the north western corner of the site. The paths are not adopted, and the southern of the two paths is used more frequently. The proposals include an opening on the north eastern entrance of the site that would provide a sight line to the entrance of the store. It would also provide easier access for pedestrians from the east of the site, encouraging walking as opposed to using vehicles. It is noted that the Highways Team have encouraged the footpath to the housing estate to be surfaced and with a gradient that could be utilised by wheelchair and pushchair users. However, as there is an extant footpath, it is not considered that this is necessary to mitigate the development.

Economic Benefit

The proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This is considered to be a positive benefit to the area. It should be noted that if the proposal was considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. However, as outlined above, the proposal is considered not to be harmful to the viability and vitality of Upton Town Centre. Overall, the modest economic benefits are welcomed.

16.0 Conclusion

Taking all of the above matters into account, officers consider that all material planning considerations have been addressed and the proposal can be supported.

17.0 Recommendation

Delegate to the Head of Planning to grant permission subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

A monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

And subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: 180751-1100-P3, 180751-1410-P4, 180751-1401-P3, 180751-1402-P3, 180751-1500-P4 & 1351-01
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The store hereby approved shall be used as a discount food retailer only and for no other retail use within Class A1 of the Use Classes Order, 1987 (as amended) in accordance with the following stipulations;
1) the sales area (convenience and comparison goods) shall not exceed 1,315sqm;
2) The food store shall not provide any of the following services without the prior written consent of the Local Planning Authority;
a) Fresh meat counter b) Fresh fish counter c) Delicatessen/cheese counter
d) Hot Food e) Post office services but not including the sale of books or postage stamps
Reason: The application is justified on the basis of the provision of a discount food retailer on the site and the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of existing centres.
4. The store can only open to customers between 08:00 and 22:00 on Mondays to Fridays, between 08:00 and 22:00 on Saturdays, and between 10:00 and 17:00 on Sundays. No new customers must be admitted to the premises before or after these times.
Reason: In the interest of the amenities of adjoining and nearby residential properties.
5. Deliveries must not commence before 08:00 and must terminate by 22:00.
Reason: In the interest of the amenities of adjoining and nearby residential properties, taking account of the cumulative noise generated by deliveries and plant machinery associated with the store.

6. The rating level of the sound emitted from the site shall not exceed 45dBA between 0700 and 2300 hours and 32dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises (identified in the report titled Environmental Noise Assessment of a proposed Aldi Site, 9/07/2019 Project No 1918928). The measurements and assessments shall be made according to BS4142:2014. Unless otherwise agreed in writing, the assessment shall be submitted to the Council for approval within 1 month of the approved use commencing.
Reason: In order to protect the amenity of the residents of the neighbouring properties.
7. The store must not open until the lighting scheme drawing number SMG-P186-356-A is implemented and the agreed lighting must be retained thereafter.
Reason: To ensure that the lighting does not increase the effects of light pollution in the area, and to protect the amenity of the residents of the neighbouring properties.
8. All external lighting shall be switched off an hour after the store closes and shall be switched on no earlier than half an hour before the store opens.
Reason: To reduce the impact of light pollution on the area and to protect the amenity of the neighbouring residents.
9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 3. The results of the site investigation in (1) and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10. Prior to the development being constructed, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
11. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.
Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.
12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
13. During the construction process, the details regarding the management of air quality as set out in the Air Quality Assessment, prepared by Entrans dated 08/10/2019 must be implemented.
Reason: In order to ensure that air quality is managed during the construction process to protect the amenity of the neighbouring residents.
14. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans including the right turn lane for northbound traffic on Blandford Road North must have been constructed.

Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

15. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

- 1) Road widening for the formation of a right turn lane and pedestrian refuge
- 2) A bus stop on the southbound side with bus shelters on both the southbound and northbound sides with real time passenger information boards
- 3) Details of visibility splays to be provided for access to the store and for the new bus stop.

(or similar scheme to be agreed in writing with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

16. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the electric vehicle charging points and parking bays shown on Drawing Number 180751-1410 Rev P4 are submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of ultra-low emission vehicles.

17. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to the LPA for written approval and once approved be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

18. The cycle locking points as shown on drawing 180751-1401-P3 must be installed prior to the first opening of the store and maintained and retained thereafter.

Reason: To encourage and facilitate sustainable methods of transport to and from the store.

19. No development shall take place until a detailed surface water management scheme for the site, which accords with the approved outline Drainage Strategy (ALDI Store Blandford Road, Upton – Craddys – Rev D – Not dated – Ref No: 10677w0001d) and provides clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.
20. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.
21. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.
22. The soft landscaping works detailed in the landscape proposals agreed by the Council must be carried out during the first planting season (October to March) following the use of any of the buildings. The planted scheme must be maintained in accordance with the agreed details.
Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.
23. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 26/11/2019 agreed by Dorset Council on 16/01/2020 unless subsequent variation is agreed in writing with the Council.
Reason: To ensure the adequate protection of a species and its habitat protected by law that exists on the site.

24. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to the monitoring of the use of the pedestrian crossing, annually, for the first five years after the store has opened. This is to establish whether the crossing will need to be upgraded.
25. Informative Note - Dorset Council Highways.
The works to provide a pedestrian crossing, bus shelters, right turn lane and a layby for the bus shelter will be the subject of agreements under Section 278 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at on 01305 222120, or on line at www.dorsetcouncil/roads,highways and maintenance, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, to discuss this further.
26. Informative Note - Sunday Trading Hours. Notwithstanding the opening hours agreed in condition 4 of the approval, the applicant is reminded that the store must comply with any applicable laws in relation to Sunday trading hours.
27. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.
28. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
29. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit.

If the legal agreement is not completed by 31 January 2021, unless agreed in writing by the Council, then planning permission be refused for the following reasons:

The proposal, by means of a lack of monitoring of the use of the pedestrian crossing, has a harmful impact upon highway and pedestrian safety. This is contrary to Policy IAT of the Purbeck Local Plan Part 1 and paragraph 109 of the National Planning Policy Framework.