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DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 9 MARCH 2021

A recording of the meeting can be found on the committee page by using the following link:- [Link to committee page](#)

Present: Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

Also present: Cllr Pete Barrow, Cllr Tony Ferrari, Cllr David Gray and Cllr David Walsh (Portfolio Holder - Planning).

Officers present (for all or part of the meeting):

Lara Atree (Senior Lawyer - Regulatory), Ann Collins (Area Manager – Western and Southern Team), Colin Graham (Engineer (Development Liaison) Highways), Emma Telford (Senior Planning Officer), Jenny Williams (Technical Support Officer) and Denise Hunt (Democratic Services Officer).

71. Apologies

No apologies for absence were received at the meeting.

72. Declarations of Interest

Cllr Kate Wheller declared that she had previously commented on the land east of Mercy Road site, however, as this was a fresh application with new information she stated that she had not predetermined the application.

73. Minutes

The minutes of the meeting held on 2 February 2021 were confirmed as a correct record and would be signed at a future date.

74. Public Participation

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

75. Planning Applications

Members considered written reports submitted on planning applications as set out below.

76. WP/19/00778/FUL - Land east of Mercery Road, Weymouth

The Committee considered an application to erect a retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks.

The Senior Planning Officer gave a presentation on the application with the site being a key employment allocation site within the Weymouth Defined Development Boundary (DDB) and part of the wider Mount Pleasant Business Park with the proposed access off of Souter Way. The key planning matters were outlined including the principle of development, residential amenity, visual amenity, highway safety and biodiversity.

An update sheet circulated to the Committee prior to the meeting included amendments to conditions 4, 7 and 8.

A number of written representations were received that are attached to these minutes.

Cllr Tony Ferrari, Dorset Council - Littlemoor & Preston Ward, addressed the Committee to explain the reasons why the aspiration to retain the site for key employment use had failed and why this scheme was now favourable.

Cllr David Gray, Dorset Council - Radipole, objected to the application referring to extant and emerging Local Plan policies in relation to employment land, the failure of the impact assessment to comply with test conditions and comments made by the Council's Economic Development Officer against the application.

Cllr Peter Barrow, Dorset Council - Radipole, drew attention to deprivation and the reliance of the local economy on low wage jobs, the comments by the Economic Development Officer, the impact of the development on the town centre and the need to create demand for high skilled jobs in the area.

The Senior Planning Officer responded to comments made during the public participation in relation to the loss of an employment site, noise, car parking, odours, lighting, fast food outlets and impact on the town centre. Members were further informed that the development would not add to peak time traffic movements and that the funding resulting from the development would improve the cycle network between Mercery Road and Radipole Park Drive.

In response to technical questions raised, the Senior Planning Officer confirmed that the sequential test had concluded that there were no suitable locations for the retail elements of the scheme within the town centre; that there was no delivery restriction time for units 7/8 which were located furthest

away from residential properties; and that Souter Way, the private access road, would not be adopted by the Highways Authority.

Some Members wholly supported the arguments for this application, including the lack of alternative space in the town centre or a local skilled workforce and no interest in the site. They also acknowledged the need for investment and permanent jobs, the ability of the development to attract visitors to the area and avoid the need for local residents to drive greater distances to visit these stores elsewhere.

Other members felt conflicted having heard arguments for and against the application. Comment was made on the reliance of the scheme on car use. On this point, it was noted that the site was located near to the Weymouth park & ride facility and also served by public transport, although it was acknowledged that car use would be the most appropriate option in some circumstances.

Proposed by Cllr Louie O'Leary, seconded by Cllr John Worth.

Decision:

(A) That authority be delegated to the Head of Planning to grant, subject to consultation with the Secretary of State to understand if they intend to issue a direction under section 77 of the Town and County Planning Act 1990 in respect of this application, the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a sustainable transport contribution of £144,042.02 and subject to planning conditions outlined in the appendix to these minutes.

(B) That authority be delegated to the Head of Planning to refuse permission for the reasons set out below if the Secretary of State does not wish to call in the application but the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for sustainable transport. Hence the scheme is contrary to paragraph 110 of the National Planning Policy Framework and COM7 of the West Dorset, Weymouth and Portland Local Plan 2015.

77. Urgent items

There were no urgent items.

78. Update Sheet

Condition 4:

Amended wording to condition 4, it would now read as follows:

Unit 3 shall be used for the sale and display of the following goods:

- Fabric, home and garden furniture, soft and hard furnishings, carpets and floor coverings, bulky electrical home goods, DIY home improvement goods and the ancillary sale of household goods and homewares, non-bulky electrical items and decorative products and the sale of other non-bulky comparison goods where ancillary to the main use and for the avoidance of doubt shall not sell fashion clothing and footwear.
- The sale of fashion accessories, jewellery, watches, health and beauty and personal care items, pharmaceutical/medical products, toys, sports and hobby goods, books and stationery from this unit is not permitted unless ancillary to the main use.
- An ancillary in-store customer café is permitted. ~~The unit shall include an ancillary in-store customer café.~~

Unit 3 shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods.

REASON: The application is justified on the basis of the provision of goods as stated because 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 Weymouth Town Centre.

Condition 7:

Amended wording to condition 7, it would now read as follows:

The use of Unit 7 hereby approved shall only be used for purposes of the sale of sandwiches or other cold food for consumption off the premises falling within as use Class A1 and for the purposes falling under A3 and A5 of the Town and Country Planning (Use Classes) Use Classes Order 1987 (as amended) and shall not be used for the display or retail sale of goods within the Class A1 use without the express written consent of the Local Planning Authority first being obtained entirely for Class A1 Uses.

REASON: The application is justified on the basis of the provision of the use class as stated because 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 Weymouth Town Centre.

Condition 8:

Amended wording to condition 8, it would now read as follows:

The use of Unit 8 hereby approved shall only be used for purposes falling within as use Class A3 and A5 of the Town and Country Planning (Use Classes) Use Classes Order 1987 (as amended) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall not be used for the display or retail sale of goods (Class A1 use), without the express written consent of the Local Planning Authority first being obtained entirely for Class A1 Uses.

REASON: The application is justified on the basis of the provision of the use class as stated because 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 Weymouth Town Centre.

Appendix - Decision List

Duration of meeting: 10.00 - 11.30 am

Chairman

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Western & Southern Area Planning Committee - 9 March 2021

Written Submissions

WP/19/00778/FUL - Land East of Mercery Road, Weymouth

Craig Oakes - President of Weymouth & Portland Chamber of Commerce

As previously submitted, the Executive Board of the Weymouth and Portland Chamber of Commerce fully supports the above application.

As a representative body of over 100 businesses in Weymouth we know business is eager to see progressive thinking, investment and development that will boost the town's economy.

We recognise there is a theoretical conflict between the retail-led proposals and the site's historic employment allocation, but all evidence suggests that the allocation is what's wrong, not the current proposals. The allocation simply isn't well-aligned with real-world demand or the site's actual characteristics. Despite marketing for more than 10 years, the site remains vacant and all the independent reports agree that there is no prospect of the site attracting predominantly B Class occupiers in future.

The Granby industrial estate has ample space for more industrial style use if occupiers want to come to or expand in the area.

In contrast, despite this being a very challenging time for retailers, there are several who are keen to come to Weymouth Gateway should the current proposals be consented. These would create much-needed year-round jobs, help retain residents' spending in our town, and draw shoppers into Weymouth who, in turn, will venture into town and the surrounding areas in order to make a day out of it.

As such, these proposals offer us a great opportunity to rethink what Weymouth can really offer as a visitor attraction – in and out of season. We have a great town and harbour that could draw large inward spend from visitors all year round, if only we have the courage to maximise their potential.

We believe the proposed scheme will:

- Make a long-vacant site productive for the benefit of residents
- Deliver year-round jobs (which is increasingly important in the current climate)
- Give the entrance to town greater vitality
- Create a draw for visitors, which could be capitalised on to signpost people to the high street/beach areas of town to help generate a general uplift. We understand the developers are willing to provide signage
- Stimulate new year-round economic opportunities
- Deliver the second (main) part of a multi-million pound investment – and how many others is the town currently being offered?

We are not alone in this view. We note that a recent public consultation drew more than 500 responses, with nearly 90% expressing overall support for the scheme.

For these reasons, we urge the Committee to approve this application and shout loud and proud that Weymouth is open for business!

Cllr Richard Nickinson - Weymouth Town Council

The Mercery Road area already has other retail developments including Sainburys and Aldi and this development would be complimentary to those.

The Town centre would **not** be negatively affected by this development, as the business model of the proposed retailers could not be accommodated within the Town Centre.

The development would benefit residents of Weymouth and Portland and surrounding area, who would no longer need to travel to the Poole/Bournemouth area to access the retailing that this development will provide. This supports our climate change agenda of reducing carbon emissions. In addition the developer has agreed to install 39 electric vehicle charging points which will future proof our aim to be zero carbon from vehicles.

There are other sites available for the development of high tech jobs, including the Granby Industrial Estate, Link Park in Chickerell, Southwell Business Park on Portland and the Dorset Innovation Park at Winfrith, which is an Enterprise Zone and is developing into an advanced

engineering cluster of excellence for the South West and is very much supported by Dorset Council.

The amended plan allows for some light industry to be incorporated if demand allows.

I do not believe that the decision of Weymouth Town Council to oppose the application reflects majority view of Weymouth residents. The Consultation and discussion on line, shows overwhelming support for this development from residents. I would urge Members to support this application so that we can continue to move forward to regenerate the area quickly, following the damaging effects of the current pandemic.

Dawn Rondeau - Chief Operations Officer, Weymouth BID

Whilst the data gleaned from the general public's questionnaire clearly shows unequivocal support for the Weymouth gateway project due to inward investment driving substantial economic and social advantages for the residents of Weymouth, there was a mixed response in terms of direct feedback from levy payers. However, of those that responded 75% were supportive.

To quote one of our small retailers in Weymouth, "There are pros and cons for both, as a small business owner in Weymouth I'd personally like to see the town benefit from bigger chains and more diverse stores. Once you get one, more will follow."

At present the site is derelict and has remained vacant for many years. There has not been a proposal for development forthcoming and therefore the benefits that the scheme would provide far outweigh the loss of the desired high-tech jobs and employment recommendations. The continuing closure of national brands is widely forecast, and Weymouth along with other towns and cities is no different, with the additional pressures on social housing and employment exacerbated by well-evidenced seasonal fluctuations. The nearest multinationals mentioned in the proposal are over 30 miles away and thus investment of these national chains at a time of retail uncertainty would undoubtedly bring visitors to the town.

However, our members request that a diverse range of retailer are reflected in the plans, not 'more of the same' in order that the site complement the town centre; rich in independents. Feedback suggested that enhancing the perception of Weymouth as a retail destination, would

encourage shoppers who would otherwise travel further afield to make a day of visiting the town.

The developers have actively engaged with the BID and assured us of their commitment in driving visitors to the town by means of signage and a noticeboard showcasing maps, events and promotions. The BID will ensure that promotion of its levy paying community is prominent and visitors to the shopping complex are educated as to the wealth of independent shops, businesses, beach, heritage and vibrant night-time economy; encouraging visitors to stay in the area.

The chairman of the board may have a conflict of interest with regards the development of the gateway, therefore the Chief Operations Officer and Vice chair have led on discussions with the developers, in order to ensure transparency on this matter.

David Vogwell

I submitted my objections and identified several technical shortfalls in this planning application and its predecessor. My comments, and those of other commentators, have been dismissed in the “Planning Officer’s Report for Committee”, dated 18 February 2021, which appears to be based on some fragile arguments.

However, I will not go further into that or the bulk of those objections because they are on the Planning Portal, clear for all to see, including members of the Planning Committee. I will, however, restrict the remainder of this statement to one, headline issue; that of the proposed type of employment to be used on this site.

It is widely known that Weymouth is a deprived area and in need of serious regeneration to provide an improved thriving community. The cornerstone to this is employment. Not just any employment but enterprises providing higher grade jobs, attracting well qualified staff, who command higher salaries. The high-quality jobs in the area that have been lost over the past 25 -30 years have not been recovered and the town now relies heavily on the low paid seasonal tourist trade and retail businesses. I fully recognise these tourist and retail jobs need to continue but a rebalancing of the skills base and associated community is desperately needed; not simply more of the same. Otherwise, Weymouth will remain a deprived area and likely sink further.

I understand Dorset Council is committed to the regeneration of Weymouth. To approve this planning application on the grounds of a limited number of low paid permanent retail and temporary construction jobs would be a disservice to that commitment and the people of Weymouth. Those residents are looking to the Council to provide the future vision, sustained growth, and support for the area. The small amount of land the Developer proposes to set aside for future skilled employment is derisory and inadequate to achieve such growth. Retail complexes are not the answer, particularly those populated with the type of retailers and food outlets such as those proposed.

A further point on a balanced community; Dorset Council has a commendable ambitious planned increase in housing stock for the area but, without more residents earning higher incomes, there will be few people who will be able to aspire to owning one of those many new houses.

I trust the Planning Committee will seriously consider the proposed employment use of this site and, certainly not allow the construction of something simply to fill an unsightly piece of land.

Claire and Brian Allen

In summary of the application itself, the 2015 Local Plan for West Dorset, Weymouth and Portland, identifies the land in this application as being a "key employment site". The Local Plan itself states generally that (a) within key employment sites, applications for light-industrial, general industrial and storage and distribution will be permitted subject to proposals not having a significant adverse impact on surrounding land uses. (b) The use of key employment sites for employment purposes other than the above may be appropriate only if it can be proven that the use provides on-site support facilities or demonstrates an economic enhancement over and above the permitted key employment uses; (c) Retail uses will not generally be supported unless in exceptional circumstances such as having trade links with employment uses or are un-neighbourly in character and (d) Other uses that do not provide direct, on-going local employment opportunities will not be permitted."

Material consideration objections:

- Noise and disturbance from: (a) delivery lorries turning/reversing in close proximity to homes (b) lorries unloading (c) the 24 hour drive through and antisocial behaviour this is likely to attract
- Traffic: (a) It is already difficult to exit from both Monmouth Avenue on to the Dorchester Road, and exiting Spa Road on to the Dorchester Road. In addition, I noted that the entrance/exit to the proposed retail park, is located almost opposite the entrance to the Ambulance Station which could then cause problems for emergency vehicles.
- Risk of flooding: (a) the site already holds a lot of water after significant rainfall - where will this water go with the reduced capacity of land to soak up the rainfall. (b) due to poor drainage systems and culverts, after significant rainfall homes at the bottom of St Andrews Avenue are unable to use their downstairs toilets and raw sewage fountains from manhole covers in the gardens (Wessex Water are aware and concerned).
- Smells: From the drive-through especially, venting on the rear of the units and pollution from lorry exhaust fumes.
- Light pollution: From lighting along the access road, delivery bays and turning circles especially.

In addition,

Fast food outlets: There is evidence (the last study of fast food outlets in England (31/12/2017)) showing that Weymouth and Portland have 84 such fast food outlets. The national average is 96.1 per 100,000 people. Weymouth and Portland's figure per 100,000 is 128.3 outlets, so we already have well in excess of the national average. Public Health England (a government funded organisation) (reported on the BBC on 28th June 2018) want authorities to refuse new take away applications.". There is already a McDonalds Drive-Thru at Jubilee Retail Park and therefore there is no need for another.

Mr J Matthews

I object to the application for this retail development – formerly Class A1, 3 and 5 because:

1. Increase in traffic and due to the nature of businesses it would be continuous flow of traffic which puts more pressure on traffic emerging on to Dorchester Road from Spa, Monmouth, Hetherly and Icen roads.
2. This type of development is just going to draw trade out of the main town of Weymouth and following the current pandemic there is reduced requirement for indoor shopping of this nature.

Any development must include previous undertakings to have a sound barrier inserted on the southern edge and enhance evergreen tree planting to reduce noise, pollution and visual impairment to local residents.

Any improvements to Dorchester Road traffic control should be identified before any development is permitted and the costs passed to the developer, not wait and fund it from ratepayers at a later date.

Further to this I request improved description of the elevation drawings to accurately describe the height of the buildings and where the 'base' point will be – for example will these buildings be on an elevated base or stilts?

The original application was for class B development (now Class E (c and g); this was prior to the pandemic and with an increase of online business this would be the better option.

Councillor David Harris - Weymouth Town Council

I am writing to you with my hat on as leader of Weymouth Town Council regarding the application to allow 5 retail units to be built on the Mercery Road site. When we were studying the draft Dorset Council local plan as a town council it became clear that there was a conflict between the Environmental policy statements and the plans for this development. Employment opportunities should be near to dwellings and more highly paid jobs were required in the Weymouth and Portland area. To use up some of the very small amount of commercial land available for lower paid jobs in retail seem to be contrary to this statement leading the DC local plan. Equally it does not recognise the damage this will do to the already run down town centre. We have so many empty premises in the town it is

important that no more retail businesses should be encouraged away from the town centre until the centre of the town has been fully occupied. No further retail use should be allocated to this site and so this application should be rejected.

**Cllr Lucy Hamilton, Chairman of Planning and Licensing Committee,
Weymouth Town Council**

Weymouth Town Council welcomes investment in our town. We have ambitions for high-skilled, high-pay jobs. We have ambitions for good employment, closer to home, to attract new and growing businesses.

However, Weymouth Town Council objects to the use of this land for retail and catering for two main reasons. One: it goes against Dorset Council Planning Policy. Two: it goes against Dorset Council Economic Policy.

Firstly: planning policy. In the current Adopted Local Plan, ECON2 provides for the protection of key employment sites. It states “retail uses will not generally be supported”. Paragraph 7.8 provides for 14 hectares of mixed-use employment at this site, known as Mount Pleasant Business Park. This land is designated primarily for B use employment and is the only such key employment site within Weymouth Town Council boundaries. David Walsh in his response to the application challenges the benefits of this scheme.

The emerging Local Plan provides for 131 hectares of employment land across all of Dorset. However, the predicted requirement is greater: it is 131-151 hectares. We need more employment land, not less. We need to reduce out-commuting to meet net zero targets.

COM7 is for a safe and efficient transport network. It’s also towards those net zero targets. “Development that generates significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes including public transport, walking and cycling can be maximised.”

Secondly, economic policy. In their evidence for the Dorset Local Industrial Strategy, Dorset Local Enterprise Partnership confirms the pressures on employment land. The chief challenge is infrastructure and connectivity. The Mercery Road/Mount Pleasant site is well connected to the A354 Weymouth Relief Road. The LEP states projected demand (until 2033) in

the west of Dorset is 78% for industrial uses (B1c, B2 and B8) and 22% for B1 office. The success of Link Park, the Granby and Lynch Lane in neighbouring Chickerell proves it's possible with determination to build and market for light industrial use and for new and growing businesses if you do it the right way.

Dorset Council's Plan 2020 to 2024 states: We will deliver sustainable economic growth, increasing productivity and the number of high quality jobs in Dorset. Dorset Council will "raise career aspirations and improve skills". Dorset Council aims to "enable economic growth in the Southern Dorset corridor to improve social mobility, reduce commuting and increase productivity". Dorset Council "will enable provision and take-up of workspace".

You have a chance to honour those pledges today. Save this site for skilled jobs, well paid jobs. Deliver for Weymouth.

Craig Blatchford - Agent

My name is Craig Blatchford, and I'm the Head of Planning at Montagu Evans. I specialise in retail and commercial planning and have been advising occupiers, developers and owners of land and property for 30 years.

The Site has been vacant for over 10 years despite being made available for development including for B Class use in accordance with its allocation. The proposals before you today represent the only commercially viable use for the Site. Our Retail Impact Assessment has been assessed by the Council's external retail advisor, who conclude that the proposal is acceptable in retail policy terms.

Our extensive consultation exercises since May 2019 show strong public support for the proposals. However we are aware of some local resident concerns regarding flooding, noise, lighting and traffic. In our opinion, these issues are not unique to the proposals - the same issues would arise in the event the Site were developed for B Class employment uses, potentially to a greater degree.

The Council's Flood Risk Management Team have confirmed that the proposals will not have any detrimental impact on existing flood conditions. The works include an attenuation pond within the north east corner of the site, which will provide a new ecological habitat as well as contribute to drainage improvements.

The applicant has also facilitated Wessex Water's recent works to repair existing sewers which run across the Site and which serve the local area. This will resolve existing drainage issues highlighted by local residents. The existing tree and landscaping bund to the rear of the Site will be pro-actively managed, and strengthened through the introduction of additional ever-green planting. Furthermore, a solid acoustic barrier is to be installed and the lighting strategy has been designed to minimise any potential impacts on residential amenity. The Council's EHO has agreed these measures.

The Council's Highways Officer concluded that the proposal will not have an adverse impact on the local highway network. In addition, the applicant is happy to provide a contribution of approximately £145,000 towards local cycle infrastructure improvements.

The proposed development will represent a sustainable development, including achieving a BREEAM rating of Excellent, provision of at least 32 electric vehicle charging spaces and inclusion of renewable energy technologies that will reduce carbon emissions.

A Bio-Diversity Management Plan has been agreed in consultation with Dorset's Natural Environment Team, including the translocation of reptiles and creation of new habitat of high ecological value on the eastern part of the site.

The planning application has been subject of extensive internal and external review by the Council since August 2019, and your Officer's recommendation is for approval. We endorse that recommendation and respectfully ask that you approve the application.

London Metric Property UK - Applicant

Thank you for the opportunity to speak today.

LondonMetric is predominantly an industrial and logistics property owner. We have owned this vacant Weymouth Gateway site since autumn 2017. Since then, despite the Local Plan allocation of the site for Class B uses, there has been no commercially viable demand for this use in this location, reflecting the available supply of better-suited sites for Class B uses nearby.

However, there has been strong demand for large-format retail warehousing and complementary restaurant uses – we have agreements in place with Dunelm, Costa Coffee, B&M and McDonalds to operate at the site.

Throughout the process, we have engaged and consulted widely and collaboratively with stakeholders (including local residents, business and educational groups, and councillors at all levels in the former and current governing structures - through in-person and online public exhibitions, presentations and meetings) – and evolved the scheme in response to feedback.

There is significant local support for the proposal – with 88% of 500-plus respondents to the recent online exhibition in favour of the development, and we have the backing of the Weymouth Chamber of Commerce as well as the South Dorset Business Advisory Panel. We are also working with

Weymouth BID's Board on ways to promote Weymouth Town Centre to those shopping at Weymouth Gateway.

Our proposals will deliver significant local investment and provide some 280 year-round jobs for the community. There will be additional spin-off benefits for the local economy through indirect job creation, and an increase in business rates receipts of circa £6million for the Council over a 10-year period.

We have delivered an Aldi foodstore on the adjoining site – providing significant investment into the local economy and, importantly, creating some 30 new jobs. We are also facilitating the expansion of Medisave next door, to Aldi which would also allow the business to expand local employment and investment.

We continue to proactively progress and improve the sustainability standards of our properties and developments. Whilst not a planning requirement, we are committed to increasing the BREEAM rating of this development from Very Good to Excellent, and we will continue to review the sustainability credentials of the scheme during the detailed design stage. We are also happy to be contributing approximately £145,000 towards improvements of the local cycle route network, which will be implemented by Dorset Council.

We hope you will come to the same conclusion as your planning officers, the local community and the key stakeholders: that the proposals provide an opportunity to provide much-needed investment and job security, delivering long-term benefits to Weymouth, and approve this planning application.

APPLICATION NUMBER: WP/19/00778/FUL

APPLICATION SITE: Land East of Mercery Road, Weymouth

PROPOSAL: Erect retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks

DECISION:

A) Delegate authority to the Head of Planning to grant, subject to consultation with the Secretary of State to understand if they intend to issue a direction under section 77 of the Town and County Planning Act 1990 in respect of this application, the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a sustainable transport contribution of £144,042.02 and subject to planning conditions:

1. The development to which this permission relates must 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Plan – Drawing Number 19226-0301 P016
Units 2, 3 & 4 Proposed Elevations – Drawing Number 19226-0312 P03
Units 2, 3 & 4 Typical Bay Elevation & Materials – Drawing Number 19226-0315 P03
Units 2, 3 & 4 Proposed Ground Floor Plan – Drawing Number 19226-0310 P04
Units 2, 3 & 4 Proposed Roof Plan – Drawing Number 19226-0311 P03
Solar PV Layout and Details – Drawing Number 0113-INS-PH2-XX-DR-E60-001 03
Unit 7 Proposed Elevations - Drawing Number 19226-0370-P03
Unit 8 Proposed Elevations - Drawing Number 19226-0380-P03
Unit 7 Proposed Ground Floor Plan - Drawing Number 19226-0371-P01
Unit 8 Proposed Ground Floor Plan - Drawing Number 19226-0381-P03
Unit 7 Proposed Roof Plan - Drawing Number 19226-0372-P01
Unit 8 Proposed Roof Plan - Drawing Number 19226-0382-P01

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

3. Unit 2 shall be used for the sale and display of the following goods:

- Home and garden furniture, carpets and floor coverings, DIY home improvement and gardening goods, bulky office supplies, bulky electrical home goods, pets and pet related goods, vehicle accessories, bicycles and bicycle accessories.

- The sale of non-bulky home electrical goods shall not exceed 10% of the sales floorspace and for the avoidance of doubt the unit shall not sell fashion clothing and footwear.
- The sale of fashion accessories, jewellery, watches, health and beauty and personal care items, pharmaceutical/medical products, toys, sports and hobby goods, books and stationery from this unit is not permitted unless ancillary to the main use.

Unit 2 shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods.

REASON: The application is justified on the basis of the provision of goods as stated because 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 Weymouth Town Centre.

4. Unit 3 shall be used for the sale and display of the following goods:

- Fabric, home and garden furniture, soft and hard furnishings, carpets and floor coverings, bulky electrical home goods, DIY home improvement goods and the ancillary sale of household goods and homewares, non-bulky electrical items and decorative products and the sale of other non-bulky comparison goods where ancillary to the main use and for the avoidance of doubt shall not sell fashion clothing and footwear.
- The sale of fashion accessories, jewellery, watches, health and beauty and personal care items, pharmaceutical/medical products, toys, sports and hobby goods, books and stationery from this unit is not permitted unless ancillary to the main use.
- An ancillary in-store customer café is permitted.

Unit 3 shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods.

REASON: The application is justified on the basis of the provision of goods as stated because 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 Weymouth Town Centre.

5. Unit 4 shall be used for the sale and display of the following goods:

- Garden furniture and outside furniture, garden and gardening products and tools, home furniture and furnishings, seasonal products, bulky electrical goods, DIY home improvement goods, pet food and pet related products.

- The sale of food and drink shall be limited to no more than 30% of the sales floorspace.
- The sale of plastics, paper goods and stationary, jewellery and watches, gifts, toys, electrical and lighting appliances, cleaning products, textiles, health and beauty products and tobacco & accessories, and other non-bulky goods where these products are ancillary to the main use, and do not individually comprise more than 5% of the unit's floorspace. The total combined floorspace of these goods categories shall not exceed 20% of the unit's sales floorspace.

Unit 4 shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods.

REASON: The application is justified on the basis of the provision of goods as stated because 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 Weymouth Town Centre.

6. The units hereby approved shall not be sub-divided into smaller units nor shall mezzanine spaces other than those shown on the approved plans be inserted.

REASON: The application is justified on the basis of the provision of the sales area of the stores submitted because 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 Weymouth Town Centre.

7. The use of Unit 7 hereby approved shall only be for purposes of the sale of sandwiches or other cold food for consumption off the premises falling within use Class A1 and for the purposes falling under A3 and A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for the display or retail sale of goods within the Class A1 use without the express written consent of the Local Planning Authority first being obtained.

REASON: The application is justified on the basis of the provision of the use class as stated because 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 Weymouth Town Centre.

8. The use of Unit 8 hereby approved shall only be for purposes falling within use Class A3 and A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall not be used for the display or retail sale of goods (Class A1 use), without the express written consent of the Local Planning Authority first being obtained.

REASON: The application is justified on the basis of the provision of the use class as stated because 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 Weymouth Town Centre.

9. The employment land labelled Future Class-B Based Employment Development Plot on the site plan, drawing number 19226-0301 P016 shall be left in a ready state including remediation and levelling of the site, provision of the hammerhead access from Souter Way and installation of fencing to secure the site on the line of the service access road within 3 months of the last unit of the scheme being brought into first use.

REASON: For the avoidance of doubt.

10. Deliveries to the units 2, 3 & 4 hereby approved shall only take place between the hours of 07:00 and 22:00 Monday to Saturday and 08:00 and 19:00 on Sundays and Bank Holidays and at no time shall delivery lorries arrive at this site outside that period.

REASON: In the interests of neighbouring amenity.

11. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 43 dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019. Thereafter, the fixed plant and machinery shall be operated and maintained in accordance with the agreed details.

REASON: In the interest of neighbouring amenity.

12. No development shall take place until details including dimensions, materials and positioning of the noise barrier/acoustic fence to be located along the rear of the service yard shall have been submitted to and agreed by the Local Planning Authority in writing. The agreed noise barrier/acoustic fence shall be erected prior to any development above damp proof course level of units 2, 3 & 4 and shall be permanently retained and maintained as such thereafter.

REASON: In the interests of neighbouring amenity.

13. Prior to the first use of units 2, 3 & 4 a Service Yard Noise Management Plan shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the operations shall be carried out in accordance with the agreed measures of the plan.

REASON: In the interests of neighbouring amenity.

14. The lightening of the development hereby approved shall be carried out in accordance with the measures detailed in the External Lighting Report, dated 21 January 2020 and the associated plans titled Proposed External Lighting Layout, drawing number 0113-INSIG-PH2-XX-DR-E97-001 06 and Proposed External Lighting Layout Lux Plots 0113-INSIG-PH2-XX-DR-E97-002 05.

REASON: In the interests of neighbouring amenity.

15. No development shall take place above damp proof course level of each of the units 7 and 8 until details of suitable effective filtration, absorption or other odour neutralisation equipment to suppress the emission of cooking odours from the premises shall be submitted to and agreed in writing by the Local Planning Authority. The agreed equipment shall be installed prior to first use of each of the units and thereafter shall be operated and maintained in accordance with the agreed details.

REASON: In the interest of neighbouring amenity.

16. There shall be no development above the damp proof course level of each unit until details (including colour photographs) of all external facing materials for the walls and roof of that unit shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

REASON: To ensure a satisfactory visual appearance of the development.

17. No development shall take place until the tree protection fence/barrier as shown on the plans Tree Protection Plan Rev C – Sheet 1, drawing number 05016 East TPP Rev C and Tree Protection Plan Rev C, drawing number 05016 East TPP Rev C has been erected and thereafter the trees shall be protected in accordance with the tree protection measures as shown on the plans during the course of the construction.

REASON: To ensure the trees are protected.

18. The soft landscaping works as shown on the plan Landscape General Arrangement, drawing number 1167-2-001 and as detailed in the Landscaping Details document shall be carried out in full during the first planting season (October to March) following first use of the development. The planted scheme must be maintained in accordance with the agreed details. If within a period of 5 years the planting is found to be dead or dying the planting will be replaced in the first planting season in accordance with a scheme to be first submitted and agreed with the Local Planning Authority.

REASON: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

19. Before the development is first occupied or utilised the areas shown on Drawing Number 19226-0301 P016 for the access, manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of highway safety.

20. The Travel Plan must be implemented and submitted to the Local Planning Authority in accordance with the agreed timescales presented in Table 8.1 of the agreed Framework Travel Plan (Ref F) dated January 2020.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

21. Units 2, 3 & 4 shall not be brought into first use until the provision of 32 electric car charging parking spaces have been made available on the site and permanently retained as such thereafter.

REASON: To promote the use of more sustainable transport modes.

22. No development shall take place until a detailed surface water management scheme for the site, which accords with the following documents:

- Drainage Strategy (DS): *Phase 2 Mercery Road, Weymouth – Evolve Ltd. – Rev B (16/08/2019) –Ref No: Not Referenced*
- Drainage Strategy (DS) Addendum: *Phase 2 Mercery Road, Weymouth – Evolve Ltd. – Rev D (29/05/2020) – Ref No: Not Referenced*
- Report: *Technical Note: Advice on Proposed Attenuation Basin – East of Mercery Road, Weymouth – Ecological Planning & Research Ltd. – 29/05/2020 – Not Referenced*

And; is based upon the hydrological and hydrogeological context of the development (including 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.

23. 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.

24. No development shall take until a timetable for the implementation of the measures of the Biodiversity Mitigation & Enhancement Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried

out and maintained in accordance with the agreed timetable and the approved Biodiversity Mitigation & Enhancement Plan signed by Tom Pinder dated 26/08/20, and agreed by Natural Environment Team on 27/08/2020.

REASON: In the interests of biodiversity mitigation and enhancement.

25. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- Construction vehicle details (number, size, type and frequency of movement)
- A programme of construction works and anticipated deliveries
- Timings of deliveries
- A framework for managing abnormal loads
- Contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- Wheel cleaning facilities
- Vehicle cleaning facilities
- A scheme of appropriate signing of vehicle route to the site
- A route plan for all contractors and suppliers to be advised on
- Temporary traffic management measures where necessary
- Details of construction lighting
- Hours of construction
- Location of loading/unloading and storage of plant, waste or debris and construction materials
- Dust suppression details
- Pollution prevention measures
- Noise reduction measures
- Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents
- Details of waste disposal

REASON: In the interests of biodiversity and 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.

26. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a timetable for implementation and details of the management of habitats on the site in the longer term (5+ years). Thereafter the development shall proceed in accordance with the approved details.

REASON: In the interests of biodiversity.

27. Prior to the commencement of development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1. A site investigation scheme based on to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
2. The site investigation results and the detailed risk assessment (1) 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.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby approved first comes in to use or is occupied. Within 4 weeks of the completion of the remediation strategy 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 potential land contamination is addressed.

28. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

Informatives:

1) If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

2) 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.

3) The Construction Method Statement should include arrangements for protecting the environment and residents from noise, vibration, dust and site lighting. The statement should have regard to the following recommendations from Environmental Health to protect residents from nuisance:

- No bonfires
- Hours of construction are to be limited to
 - Monday – Friday 0700-1900
 - Saturday 0800-1300
 - No noisy activity on Sundays or Bank Holidays
 - If there are to be any proposed deviations from these hours, please contact Environmental Health to discuss these.
- Start-up of vehicles and machinery to be carried out in a designated area as far away from residential / sensitive areas as practicable. Start up and movement of vehicles / equipment etc. will be limited to 30 minutes prior to the hours of construction only.
- To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.
- Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.

- At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.
- Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.
- The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.
- Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc., made in as part of the determination of this application.
- Letter drops to adjacent residents in close proximity should be considered as part of the Demolition / Construction phase to give a minimum of 48 hours' notice of any exceptional activities proposed.
- Should piling be necessary for the construction of the future development, then the developer shall consider the impacts upon residents and it is preferred that auger piling is used, at a minimum for buildings adjacent to existing sensitive areas.

Recommendation B: Delegate authority to the Head of Planning to refuse permission for the reasons set out below if the Secretary of State does not call in the application but the Legal Agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of a financial contribution for sustainable transport. Hence the scheme is contrary to paragraph 110 of the National Planning Policy Framework and COM7 of the West Dorset, Weymouth and Portland Local Plan 2015.