

**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

**APPLICANT:** London Metric Retail Limited and Avercet Property Ltd

**CASE OFFICER:** Emma Telford

**WARD MEMBER(S):** Cllr P Barrow & Cllr D Gray

This application is brought to committee in accordance with section 134, iv) of the Officer Scheme of Delegation, as the proposed development is contrary to the Development Plan and would be required to be referred to the Secretary of State.

## **1.0 Summary of Recommendation:**

**1.1 Recommendation 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 Country 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.

**1.2 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 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.

## **2.0 Reason for the recommendation:**

- The proposed development is within the Weymouth Defined Development Boundary (DDB).
- The proposed development has satisfied the sequential test.
- The proposed development would not lead to a significant adverse impact on Weymouth Town Centre or other existing centres.

- On balance it is considered the benefits of the proposed scheme outweigh the loss of part of the key employment site.
- The proposed development is not considered to result in any significant harm to neighbouring residential amenity.
- The proposed development is considered acceptable in its design and general visual impact.
- There are no material considerations which would warrant refusal of this application.

### 3.0 Key planning issues

Issue	Conclusion
Principle of development	The application site is located within the defined development boundary for Weymouth. The proposed development has satisfied the sequential test. The proposed development would not lead to a significant adverse impact on Weymouth Town Centre or other existing centres. On balance it is considered the benefits of the proposed scheme outweigh the loss of part of the key employment site.
Residential Amenity	The proposed development is not considered to result in any significant harm to neighbouring residential amenity subject to conditions.
Visual Amenity	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Highway Safety	Highways have no objection, subject to a contribution and conditions.
Flooding & Drainage	Flood Risk Management Team have no objections subject to conditions.
Biodiversity	Biodiversity Mitigation & Enhancement Plan agreed.
Contamination	Acceptable subject to conditions.

### 4.0 Description of Site

4.1 The application site is a large area of cleared but undeveloped land. The current access to the site is off of Souter Way via Mercery Road. The site is bounded by Mercery Road to the West, Souter Way to the North, to the South there is a tree lined bank with Hetherly Road and St Andrews Avenue beyond. The site is within the Mount Pleasant Business Park which includes New Look headquarter offices, Sainsbury's food store, Premier Inn, Beefeater pub, Aldi supermarket and the Medisave building.

4.2 The application site is located within the defined development boundary for Weymouth and is within an allocated key employment site.

### 5.0 Description of Proposal

5.1 The proposal is for a retail development comprising 5 units (Use classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and ground works. The complex would be accessed off of Souter Way to the North. The buildings would comprise of a rectangular terrace block of three large retail units to the south of the site (the proposed occupiers include Dunelm and B&M Homestore), with a drive thru restaurant and coffee shop to the north of the site with the majority of the car parking between them. The east of the site would be made good and retained for future employment uses.

5.2 Car parking is laid out perpendicular to units 2, 3, 4 and would include space for 3 pedestrian links across the car park to the retail frontage. One footpath would link back to Mercery Road and the second and third link Souter Way to the retail terrace. Three cycle parking locations are proposed in front of the retail terrace and staff cycle parking is also provided in the service yards in three secure shelters. 32 electric car charging spaces are also proposed. The servicing areas for the large terraced block are located behind the buildings and would be served by separate dedicated access.

5.3 The main elevation of the terraced block would consist of a pale grey/buff facing brick forming a plinth to the base of the building and also as full height projecting piers, the same brick would also be used to face the solid panels either side of the entrance to each unit. The infill between piers shall comprise of off-white composite panels running full height to the underside of the projecting eaves. The main shopfront entrances provide full height glazing and are framed using external feature canopies. The roof would be constructed of composite roof panels in the colour Oyster White. Unit 8 would be a modern, free standing single storey A3/A5 building with a drive thru and it is proposed that McDonald's would be the occupier at the present time. The building would be constructed of cladding panels in Anthracite Grey, stone effect cladding panels, dark grey brick, wooden cladding strips and glazing. Unit 7 is proposed as a single storey, coffee shop with a drive thru and the proposed occupier is Costa Coffee at the present time. The proposed building would be finished in render with timber cladding and sheeting for the roof in the colour Anthracite Grey.

## 6.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
07/00442/OTLE	Redevelopment of site to provide office accommodation (B1(a)); an Enterprise Zone (B1, B8) including Enterprise Centre; non-food retailing (A1); and a Community Zone including a hotel (C1), fire station, medical centre and ambulance station (all sui generis), plus associated parking	Approved	29/08/2007
11/00096/HYBE	Hybrid application for the erection of New Look office building (5,840sqm) including access, parking, cycle parking and servicing facilities (full planning application); erection of a foodstore, associated petrol filling station and	Approved	18/07/2011

	parking (outline planning application with all matters reserved except layout); development of the remainder of the site to provide employment floorspace, hotel, pub/restaurant plus associated parking (outline planning application with all matters reserved) – New Look Site, Mercery Road, Weymouth		
WP/18/00489/FUL	Erection of discount food store (use class A1) with customer car parking, soft & hard landscaping & associated works	Approved	18/03/2019
WP/19/01001/OUT	Outline application for the erection of up to 1,115sqm of class B2/B8 floorspace, with matters relating to appearance, layout, scale & landscaping reserved.	Under-determination	-

## 7.0 Relevant Constraints

Within defined development boundary  
Key Employment Site

## 8.0 Consultations

8.1 Natural England – *I can now confirm that we have no outstanding issues with this application. The drainage scheme removes any concerns we had around impacts on Lodmoor SSSI and we note that the Biodiversity Plan has now been certified, so we have no objection to the scheme subject to the drainage and BP being secured through any permission.*

8.2 Network Rail – *After reviewing the associated information I would like to inform you that Network Rail have no objections to the proposals.*

8.3 Environment Agency - *Our flood risk management team have confirmed that flood zones contained within the flood map for planning are confirmed as tidal at this location. Therefore, we would not be advising that the site is within the functional floodplain (Flood Zone 3b) and seeking floodplain compensatory storage for development in the areas shown to be at area of flood risk.*

*The applicant should be aware that the present day still water 1 in 200 year tidal flood level for this location is 2.36mAOD which means that part of the site will be inundated under present day 1 in 200 tidal flood conditions. With the predicted impacts of climate change on sea level rise, this level would increase to 3.09mAOD over the 75 year expected lifetime of commercial development, and to 3.46mAOD over a 100 year lifetime of development.*

*Any development proposed on land below 3.09mAOD, must meet the requirements of the National Planning Policy Framework and Planning Practice Guide (Sequential Test / Approach and Tables 2 and 3) and will need to take these flood levels into full consideration and be designed accordingly.*

*The development put forward should clearly delineate the areas of current and future tidal flood risk, against the topographical survey, and ensure that any development in*

*this area has any relevant mitigation. We note from the drainage plan reference 2443/520 Rev D it confirms that the car parking and surface water is sited in the area of flood risk, we would expect the Lead Local Flood Authority to advise on the acceptability of the surface water attenuation feature to operate effectively in this area over the design life.*

*8.4 Flood Risk Management Team - The documents submitted provide detail regarding drainage from the applicant's site. As a result, we can acknowledge the following:*

- A point of discharge has now been provided and clearly marked within the map, along with provisional locations for attenuation areas.*
- Open SuDS features have now been considered in far greater depth following SW advice. As a result, the applicant has revised their proposals to include planted swales, permeable paving (incl. sub-surface storage) and a downstream attenuation basin.*
- A water quality assessment has been undertaken, with a Saul Gupta analysis provided. Little commentary has been provided in respect of this analysis, however, informal comments offered by DC's NET team on behalf of the RSPB suggest that the level of filtration provided is acceptable.*
- Whilst the applicant has not considered the effect of any downstream constraints (including a blocked, disused vortex control device), the discharge rates proposed are to be limited to a 1 in 1-year greenfield runoff rate for all rainfall events up to and including the 1 in 100 year storm. The rate proposed, will not increase flood risk downstream therefore, and we note that the commercial units proposed are positioned above the most extreme tidal and SW flood events.*
- An open attenuation basin is now proposed for ecological, water quality and storage purposes. This pond has been indicatively located within tidal flood zones. These extents are defended, however, and the combined probability of a SW flood event and tidal flood event (which might overwhelm the Preston flood defences) is unlikely. The location of the pond is therefore acceptable.*
- Due to level and space restrictions, the pond (or some part of it) is proposed to sit within a reptile relocation area. This is discussed, in detail within the above referenced ecological report. DC's Natural Environment Team (NET) have confirmed their acceptance of these proposals to us.*

*The above documents provide the necessary detail to substantiate the proposed Surface Water strategy. We therefore have no objection to the application subject to the conditions and informatives at the end of this letter being included on any permission granted.*

*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.*

*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.*

*8.5 Highways – The development of the Mount Pleasant site was envisaged for employment use, typically light industrial and office use. There would have been only one point of access off its internal spine road (Mercery Road) with a signal controlled junction and simple priority give way junction for left turn manoeuvres out onto Dorchester Road to serve the whole development. With the winning of the bid to host the 2012 Olympic Games came the opportunity to build the Weymouth Relief Road which then provided a direct connection to the north end of Mercery Road that had previously only been an aspiration and this was opened in 2010. Now approximately two thirds of Sainsburys traffic enters and exits the various uses on the site via this route which connects to the larger conurbations of Weymouth, Portland and beyond. Furthermore uses across this site are very different to the employment uses originally envisaged and typically don't have the same concentrated morning and evening peak traffic movements but spread at a lower level across the day or the weekend when commuter and school traffic is minimal.*

*Access to the development is via Souter Way which is a short spur road off Mercery Road which remains a private road.*

*The Transport Assessment (TA) and its addendum submitted in support of this reduced proposal consider the likely impact of the development traffic upon the highway network. It looks at the key junctions at which the traffic flows are dispersed into the network and provides a realistic prediction of new trips that are likely to be on the network, allowing for existing trips. Both the proposed Aldi retail store currently under construction and the proposed Medisave extension predicted traffic have been included in the TA modelling.*

*Individual Travel Plans are now proposed for each unit but with one over-arching travel plan coordinator.*

*This site is accessible by public transport with new bus facilities recently provided within easy walking distance on Mercery Road with dropped kerbs and tactile paving to facilitate safer crossing of the road.*

*Cycle lanes are available in the locality with one also running along Souter Way connecting to the route between the Park and Ride the routes along the Weymouth Relief Road and the housing to the south connecting to the eastern end of Monmouth Avenue and a footpath beyond that leading to Weymouth Bay and beyond. The layout of existing junctions within the accident study has not lead to higher than average (national) accident rate and this has been reported in the Transport Assessment and is clear from the available personal injury statistics. In particular there were have been only 2 personal injury accidents are recorded at the Dorchester Road/Mercery Road junction (one of which was a rear end shunt due to driving too close) with none at both Hetherly Road and Spa Road junctions for the last 5-year period. The junctions at either end of Mercery Road and of Souter Way are predicted to operate well within capacity for all tested scenarios without significant delay and queuing on any arm. The modelling results outlines no adverse effect on capacity and queuing because of development traffic at these junctions. The Highway Authority therefore considers that the submitted Transport Assessment is satisfactory and robust.*

*Whilst this demonstrates that the existing layout is not leading to a higher occurrence of accidents the applicant has agreed to contribute through a suitable agreement toward sustainable transport improvements for pedestrians and cyclists within the locality intended to reduce the need to travel by car which should help to reduce traffic and support efforts by the applicant to encourage modal shift to sustainable modes of transport, in accordance with local and national policy.*

*The Highway Authority therefore considers that the revised proposals do not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION subject to the following conditions:*

**Vehicle access construction**

*Before the development is occupied or utilised the first 15 metres of the vehicle access, measured from the edge of the Souter Way must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.*

**Existing access expunged**

*Before the development is occupied or utilised the redundant bell-mouth junction on Souter Way must be expunged and reinstated to a specification which must be submitted to and approved in writing by the Planning Authority.*

*Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.*

**Access, manoeuvring, parking and loading areas**

*Before the development is occupied or utilised the areas shown on Drawing Number 19226-0301 P015 for the access, manoeuvring, parking, Electric Vehicle Charging Points (EVCP), 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.*

**Travel Plan to be implemented**

*Before the development hereby approved is occupied or utilised, the submitted Travel Plan must be implemented and operational.*

*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.*

**Construction traffic management plan to be submitted**

*Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:*

- *construction vehicle details (number, size, type and frequency of movement)*
- *a programme of construction works and anticipated deliveries*
- *timings of deliveries so as to avoid, where possible, peak traffic periods*
- *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*

*The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.*

*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.*

**8.6 WPA** - *I have reviewed a report prepared by RPS dated March 2018 concerning a Phase 1 and a Phase 2 Geoenvironmental investigation of the site. The site at Mercery Road is bounded and includes drainage ditches associated with a pond 20m distant. The site is adjacent to a closed landfill (mapped 1971-1994), there is significant made ground to the north and centre of the site. Soils were noted to present an aggressive chemical environment for concrete. The proposed development is for mixed retail and associated infrastructure. Some crushed concrete, steel bar was noted as spoil presumably from prior demolition of site structures but perhaps from unregulated tipping. The investigation may have been conducted in accordance with the expectations of technical guidance excepting the consideration of ground gas and surface waters. Invasive investigation of soil,*



groundwater and ground gas has been undertaken. Surface water testing is not apparent. The ground gas monitoring, however, was over a limited period and the character of the neighbouring landfill site has not been fully explored. In respect to soil and groundwater testing data the report concludes that there are no findings to indicate contaminants of concern are present at levels exceeding acceptable generic assessment criteria for the proposed land use. An unexpected finds protocol is recommended (likely required within the set of CL planning conditions). Protection of site workers during construction by work safe practices and PPE use are also recommended. WPA Consultants is of the opinion that more information is required concerning the potential presence of ground gas. Whilst there is no indication in the current data, the dataset may not be adequate for the site character, the vicinity, surface water and associated risk assessment process. WPA recommends further consideration of the significance of the neighbouring closed landfill, the drainage channels and potentially a requirement for further ground gas monitoring to finalise the ground gas risk assessment. The matter of the adequacy of the Phase One component of the site investigation can be agreed as completed.

A pre-commencement condition would work but it ties the developer to the project being feasible (usually measured by cost/benefit and profitability) and you need to be sure they are up for the potential costs of attending to the possible constraints from contamination as yet to be fully characterised.

8.7 Technical Services – Given the size of the site, the FRM team in their role as LLFA have previously provided comments and I suggest you continue to refer to them regarding flood risk issues, surface water management etc.

8.8 Planning Policy Officer - The site is located on the Mount Pleasant Key Employment Site. Policy ECON2 criteria iii) states “Retail uses will not generally be supported. Exceptionally, uses which have trade links with employment uses or are un-neighbourly in character (such as car showrooms, tyre and exhaust centres, or trade counters) may be permitted on employment sites which have good access to a range of transport options”.

Supporting text to ECON2 explains that “Key employment sites” are the larger employment sites that contribute significantly to the employment land supply for B class uses. The supporting text continues “In considering economic enhancement, regard will be given to issues such as wage rates, achievement of higher level skills, job numbers, and key sectors identified by the Local Economic Partnership.”

The Mount Pleasant Business Park has been assessed within the West Dorset, Weymouth and Portland - Employment Land Review (ELR) June 2013. This report assessed market attractiveness; considering the quality of existing portfolio and internal environment, market conditions / perceptions and demand and ownership constraints. Sustainability factors are also considered including strategic access, quality of wider environment, site development constraints, accessibility, sequential test and brownfield/greenfield social and regeneration and other considerations. The ELR notes the high quality new development on site, excellent public realm and access through the site to neighbouring areas. The report concludes that “the site should be protected for employment uses.”

*The Bournemouth, Dorset and Poole Workspace Strategy (October 2016) provides a further update continuing to note that the “site is self-contained with very good access to the adjacent trunk route and internal road structure. However, no phase 2 development has taken place since completion of phase 1 in 2013 and the delivery trajectory is uncertain.” 6.3 ha of employment land is recorded as remaining. It is acknowledged that “the proposed development will generate upwards of 200 full and part time jobs (excluding the Medisave extension).” However the Mount Pleasant Business Park is regarded as high quality employment land located in an accessible location and allocated for employment uses. The provision of a large number retail related jobs is not considered to outweigh the loss of this last important piece of large scale employment land on this side of Weymouth.*

*The planning policy team object to this planning application and recommend the land continues to be safeguarded for employment uses reflecting its ‘key employment land’ status.*

#### *Retail Need:*

*The Joint Retail and Commercial Leisure Study, including Weymouth and Portland Borough Council was published in March 2018. The document sets out the anticipated convenience and comparison floorspace requirements within the Borough within the Plan period and provides an assessment of the vitality and viability of town centres.*

*The Study identifies comparison goods capacity within the Weymouth and Portland area. This is based on a constant market share approach and adopting retail sales densities reflecting primarily town centre retailers. Capacity for comparison goods floorspace for a total of 1,563sqm in 2021 and 4,472sqm in 2026, which further increases to 6,455sqm in 2031, 7,599sqm in 2031 and 9,379sqm in 2036. The significant majority of this identified comparison floorspace need has been identified to focus in the Weymouth area.*

*The proposed retailers for the four big box units (units 2, 3, 4 & 5) are acknowledged as seeking comparison good floor space sales area. The combined floor space is estimated as 11,758sqm (GIA) which exceeds the estimated comparisons good capacity for the Weymouth area in 2036. Some concern is raised that the scale and need of comparison floor space proposed in the scheme is beyond the locally estimated capacity.*

#### *Sequential Approach:*

*Policy ECON4 criteria iii) states that “A sequential approach will be taken to planning applications for new (or major extensions to) retail and town centre uses” with three exceptions. The supporting text clarifies that “applicants will be expected to carry out a thorough assessment to explore alternative options.”*

*To demonstrate flexibility for the purposes of undertaking the sequential test, the applicant has searched for sites which could accommodate circa 11,700sqm GEA floorspace or provide a site area of 3.42ha – representing a 10% reduction when compared against the proposed development and site area.*

*Planning practice guidance on 'Town centres and retail' discusses 'How should the sequential test be used in decision-making?' clarifying "is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal."*  
(Paragraph: 011 Reference ID: 2b-011-20190722)

*Although it is welcomed that the applicant proposes a 10% reduction in site area (to reflect flexibility) when considering potentially sequentially preferable sites in the town centre, it is considered that a greater degree of flexibility can be offered in this instance. This view reflects the large amount of land identified for car parking provision and opportunities to reduce this provision in a sequentially more favourable and accessible town centre location.*

*The Dorset Council non-residential parking guidance has been used in the preparation of the proposed application however as the guidance explains these "figures should be interpreted as an initial, pragmatic, County-wide guide." Specific level of parking provision should be agreed through joint discussions between the Local Highway Authority, Local Planning Authority, developer and his/her consultants.*

*The level of provision taking account of:*

- The location of the proposed development and the area that it serves.*
- The travel demand that is likely to be generated as a result.*
- Off-site constraints and opportunities that influence the functionality of the site for the use(s) proposed.*
- Mitigation measures proposed, including the delivery and implementation of Travel Planning and provisions.*

*The transportation team have indicated that hypothetically the car parking provision could be significantly scaled back if a town centre location is being considered due to the improved relative accessibility of Town Centre sites. This would result in a reduced land take for parking which would have an impact on the sequential test. The level of parking provision would need to be agreed with the Council's transportation team. There is also the opportunity for decked parking.*

*The applicants assessment has identified and assessed the vacant units in Weymouth Town Centre and 15 possible development opportunities identified through the Councils published Retail and Commercial Leisure Study 2018. The applicants study has discounted all 15 sites largely on the basis of insufficient site size or lack of availability.*

*Although many of the town centre sites have been ruled out individually on the basis of site size, because of the very close proximity of many of the sites there is the opportunity to aggregate these together which may offer opportunities for a larger proposal to be accommodated.*

*The spatial policy team would also draw the applicant's attention to the network and hierarchy of centres within Weymouth.*

*The sequential test should be independently verified by retail planning consultants.*

*Impact Assessment:*

*The application is accompanied by a Planning and Retail Assessment (2018) which includes an Impact Assessment of the proposed development on principally Weymouth Town Centre, and any other centres which may be considered to be impacted by the proposed development.*

*The applicant suggests the proposed development is estimated to divert some £1.45m from the comparison provision within Weymouth Town Centre in 2021. This diversion would suggest an impact of -0.84% at 2021. In addition, the proposed development could have an estimated -1.82% impact on Dorchester Town Centre in 2021. The proposed development may also draw a minimal amount of £0.13m at 2021 from Portland, Easton, which is anticipated to be drawn from the existing Tesco Extra Superstore.*

*The applicants assessment concludes by suggesting that the “the proposed development will have no material harm on the vitality and viability of designated town centres, and has therefore demonstrated compliance with the adopted Local Plan and paragraph 89 of the NPPF.”*

*The impact test should be independently verified by retail planning consultants.*

*Conclusion:*

*The site is located on a Key Employment site which should be safeguarded primarily for B use class employment. As the application site is the last major quality employment site on the eastern site of Weymouth a planning policy objection is raised.*

*The scale of the proposed application exceeds estimated need in the Weymouth area.*

*The application is accompanied by a Retail and Planning Statement (2018) that has carried out a sequential test and impact assessment. When considering potentially sequentially preferable sites in the town centre, it is considered that a greater degree of flexibility can be offered in this instance. This view reflects the large amount of land identified for car parking provision and opportunities to reduce this provision in a sequentially more favourable and accessible town centre location.*

*Beyond Weymouth town centre other local centres exist and should be considered in the sequential test such as Littlemoor Local Centre. Dorchester Town Centre is also considered relevant given the estimated impact and highways connectivity.*

*The sequential and impact test should be independently verified by retail planning consultants.*

*8.9 Economic Development Officer - The economic development service does not support the loss of the Mercery Road site from B uses to A uses as in our opinion this represents an unwelcome diminution of opportunity for economic regeneration in*

*a town that suffers from considerable economic disadvantage compared to both its neighbouring towns and the South West. The opinion is based on a number of measures:*

- The Site is designated under ECON2 as a Key employment site for B uses and as such is intended to be a hub of higher added value business with significant role in providing a core of employment, business opportunity and wider economic value. It should be protected as such.*
- The retail uses proposed, and particularly those for bulky goods warehousing or storage yards, provide reduced opportunity in terms of numbers of FTE per GIA compared particularly to B1 and B2 uses typical of the Weymouth area. This is at a time when over 25% of the working age population is obliged to seek work and commute out of the Weymouth Functional Economic Area.*
- The use of the land for retail use and for food service also presents reduced opportunity to provide higher skilled jobs compared to most other sectors and B-class uses active in the Weymouth area including for example manufacturing with 30% at level 3 qualifications or above. Such non-retail jobs are typically associated with higher pay levels. The retail sector and food service sector in the SW offers the highest proportion amongst all sectors of low skill jobs, jobs which are also typically the least well paid.*
- The proposal for large units fails to recognise the consistent and noticeable high level of demand, as measured by the council systems, across western Dorset including Weymouth for small scale (<150m<sup>2</sup>) B use light industrial premises. This demand is largely unfulfilled by the poor supply of such commercial premises as documented in a recent Workhubs and Innovation Study commissioned by the Council.*
- The applicant has not demonstrated a concerted attempt to seek a developer of such small scale B use premises. Such small business space is essential for the establishment and growth of businesses in a range of sectors other than retail, and which is necessary for a sectoral balanced economy.*
- The A1 physical premises proposed and particularly those with large customer parking areas again represent reduced opportunity in terms of amount of productive GIA floorspace provision per Ha site area compared to the potential from small scale B uses.*
- The retail proposal fails to recognise the economic, environmental and personal toll placed on the local working age population by the above average level of out-commuting due in some part to the lack of a commensurate supply of business premises in the Weymouth area conurbation.*

*There is clearly demand for small business space. Major sites within a few miles show high demand:*

- Oxford Court: Flexible modern units let at 1400 – 4200 ft<sup>2</sup>. Consisting of modern courtyardstyle layout offering flexible, low maintenance, highly-secure business units with fastinternet access and high occupancy parking facilities. They also come with power-floated floors designed to a high loading capacity allowing tenants to install their own free-standing mezzanine level. No properties currently available.*

- *Navigator Park, Portland: Flexible configuration units let at 2,400 sq ft with B1, B2 or B8 planning uses. Completed 2018, majority very quickly let, only one 2400ft2 unit remains.*
- *Granby Industrial Estate: South Dorset's principal Industrial site. Wide range of size style age and condition. No premises currently available.*
- *Link Park, Chickerell: With a mix of uses including retail warehouse, every unit on Link Park is occupied.*

*The National Planning Policy Framework para 80 clearly states:*

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.*

*The economic development service considers that the site in question should be retained for B uses and retain the capacity to support high value growth and productivity, and indeed build on the area's strengths and address its weaknesses.*

*Para 81 states:*

*Planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*

*- The applicant has not recognised the key growth sectors that are being supported by the Dorset Local Enterprise Partnership with Dorset Council support in the emerging Local Industrial Strategy, and the associated need for suitable premises to raise productivity and competitiveness of the local economy.*

*Finally, the applicant states that retail will deliver higher intensity use all year round with high quality jobs.*

*We do not agree. Firstly in terms of intensity, the HCA Employment densities suggest 90m2/FTE for A1 retail warehouses, compared to 36 or 47 for general or light industrial business park use, or even 12 for office use. Not only that, but the HCA notes on density variance states: "A common thread apparent in the research for this guidance has found that smaller buildings generally have higher densities than larger buildings for all Use Types".*

*The assertion that the use of contractors during build period is a positive is not an added benefit over B uses as this will be the same whether building retail or industrial, and is a temporary displaced economic benefit.*

*The retail sector is currently undergoing rapid change and cannot be considered to offer either secure long-term employment, or year round employment. The continuing closure of national brands is widely forecast, and Weymouth continues to*

*experience well-evidenced seasonal fluctuations in occupancy among local independent shops. This change and fluctuation has been clearly in evidence in Weymouth Town centre main shopping areas over many years and a retail development on the Mercery Road site can only exacerbate the threats to town centre retail.*

*8.10 Further/Additional Economic Growth & Regeneration Team - There are several reasons why we would not consider this application to represent best use of the land in question. Primarily we would challenge the statements in the economic benefit statement concerning the availability of employment land in the area. The main point is that whilst there would appear to be sufficient land available to meet recent demand rates, much of this land is not actually available as it is either subject to constraints such as servicing or is being retained by existing companies for potential expansion. The amount of good quality, available-today sites in the Weymouth and Portland area is limited:*

*I realise that today Debenhams have announced a further third of their current staff, nationally, to be made redundant and until now there has been no announcement that the Weymouth store is to close completely. This announcement is subsequent in any case to the consultant's report.*

*I would differ completely in the opinion that there is sufficient employment land set aside in the Weymouth & Portland area for business use eg B1, B2 or B8. That is something which needs to be strictly addressed in the current DC Local Plan being drawn up that for the past 20 years we have experienced availability on paper but no such availability in actual space which could move forward, say within a 1 year period to a sustainable employment space.*

*We have existing, long standing, large employers in Weymouth, Ultra Electronics and Magicard which to date have not expanded from their original sites at the Granby due to lack of available employment land in the Weymouth vicinity.*

*Ultra Electronics requirement 100,000 sq ft which goes back to February 2010. 250 employees. Magicard requirement 20,000 sq ft dated May 2017, 95 employees.*

*Both companies stated DJ Property land was too highly priced. Both companies have approached New Look and met with a very poor response. Both companies stated the desire to stay within the confines of Weymouth itself due to their loyalty to their skilled staff, their means of travelling to work, many by bus and bicycle. There was not even an interest to move as far as Dorset Innovation Park although I know both companies did make tentative enquiries.*

*DJ Property now has virtually built to completion on their site alongside the new Chickerell Relief Road, their business portfolio is adapting eg new leisure development on the Quay at Weymouth Harbour plus renovation/rebuild of their existing stock at the Granby. They did buy the former Universal Engineering site on the Granby and again the 4 acres former BT site on Cumberland Road which has yet to be developed in business use.*

*We have only 1 plot remaining at Osprey Quay, Plot W (2.56 acres) which is set aside for employment use and we fully expect that to be bought to accommodate an aquaculture facility.*

*As far as I am aware there is no employment land set aside on Portland itself. I certainly have seen no marketing for many years, really since Southwell Business Park changed ownership. The problem with taking stats from SIC Codes is that only selecting certain SIC codes means that some forms of employment are left out completely. I see that the consultants have counted manufacturing but not engineering in any form. I would certainly presume that those companies such as Ultra Electronics and Magicard fall into the use type B1(c) as light industrial and some of their staff as r&d, designers etc would fall into Other Business Activities not necessarily engineering. I would consider AEM a key sector within the Weymouth and Portland area to be advanced engineering & manufacturing, my total of employees 1,354 with 20 AEM companies based within Weymouth & Portland. At present that does include Sunseeker at 296. Many of these companies run apprenticeship schemes and are supported by either B&P College, Weymouth College or Yeovil College.*

*At my meeting with Aldi in Swindon in February 2018, their representatives had at that time just about opened the new Chickerell store. They stated their intention to open a new store to the East of Weymouth, possibly within the Littlemoor urban extension but then decided on the Mercery Road site. This store will replace the current one in Jubilee Close Sidings. Again Aldi state that they have created 40 to 50 new jobs because they say their former site will be bought and run as retail by a new owner and employ the same amount of people but within the current retail climate which was suffering even before the current Covid-19 crisis it could be very debatable about the number of jobs created to those lost. 40 jobs in one store is a lot to make up.*

*The true value of the Mercery Road site could be a greater mix of business types and because of its location on the outskirts of Weymouth at the end of the relief road (A354) it does present better access to the national road network.*

*The economic benefit statement leaves something to be desired when referencing jobs benefits. It sometimes refers to Full Time Equivalent jobs and often refers to higher numbers of jobs without clarifying if these are full or part-time. The nature of the employment strongly indicates that the majority of these will be part-time, and this should be made clear.*

*The statement states that the 'proposed development will provide a range of roles that align with the local skills profile'. This would be the same in any town of this nature and fails to recognise the ambition of local partners to improve and diversify the quality of employment opportunities available to address local issues of low aspirations and poor social mobility in Weymouth and Portland.*

*The site in question is part of the Weymouth Gateway site which due to its location was always recognised as a prime site for attracting inward investment and accommodating new enterprise and jobs. The proposed use of the site in question will do little to improve the local economy or help to restore vibrancy to a town centre*



*already experiencing difficulties due to the national retail context and further impacted by Covid-19.*

#### **8.11 Environmental Health – Plant Noise**

*As it is not yet known what plant there will be on site, the applicant has suggested a condition that the plant noise will not be more than existing background levels. This seems sensible.*

#### **Car Parking Noise**

*The car parking is 105 metres away from houses and also they will be shielded by some units. This seems acceptable.*

#### **Delivery Noise**

*The delivery vehicles will be very close to the houses in Hetherly Road and St Andrews Avenue. There is a potential for noise disturbance from engine noise and in particular from reversing alarms and delivery cages etc. Table 6 of the Noise Report gives measured noise levels from similar retail units at 10 metres and table 7 gives the predicted noise levels at some of the closest residential properties extrapolated from the levels in table 6. These levels are in the region of 30 dB lower than those in Table 6. I have measured the distance from the proposed delivery area to a residence in St Andrews Avenue and found it to be approximately 14 metres. The attenuation due to the extra 4 metres would only be in the order of 3 dB and would be likely to cause annoyance, especially during the night.*

*We require clarification of this situation and if necessary details of how the noise levels will be attenuated to an acceptable level for the nearby residential properties or consideration be given to change the layout of the buildings to increase the distance between the residential properties and the delivery area. The noise report should address the potential for noise disturbance due to the tonal nature of vehicle reversing alarms at this very close proximity to residential properties, especially during the night period.*

#### **Drive through Noise**

*No comment.*

#### **Contaminated Land**

*A phase 1 preliminary risk assessment and phase 2 environmental and geotechnical site investigation report has been provided with this application. Please refer this application to the Councils Contaminated Land consultants to comment as necessary.*

#### **Air Quality**

*The Air Quality Assessment dated August 2019 concludes that:*

- During the construction phase, with the appropriate mitigation measures in place, the risk of adverse effects due to emissions will be negligible. (Mitigation measures to be included in the Construction Method Statement, to be agreed by the Local Planning Authority, see point 6 below).*
- The impact on air quality is determined to be negligible at all receptors based on the methodology used.*

*The methodology used is agreed and the conclusions of the report are accepted.*

### *Lighting*

*The External Lighting Report, dated September 2019 considers the worst case scenario (i.e. not including backward light spill shields), therefore Environmental Health accept the report but will review lighting in future on a case by case basis as necessary.*

### *Odour*

*Environmental Health would expect the proposed food outlets to have regard to potential odour from their activities. Suitable effective filtration, absorption or other odour neutralisation equipment shall be installed, operated and maintained to suppress the emission of cooking odours from the premises to the satisfaction of the Local Planning Authority. We recommend that a suitable condition is applied with regard to this.*

### *General*

*I strongly advise that the Developer produces a Construction Method Statement. This statement must include arrangements for protecting the environment and residents from Noise, Vibration and Dust and site lighting. The statement shall also include proposed provisions for the removal of any potentially hazardous waste found / generated on site. The Statement shall be agreed in writing by the Local Planning Authority prior to commencement of the development.*

*a) Due to the close vicinity of existing residential dwellings to this site, the Method Statement and construction works should have regard to the following to protect residents from nuisance:*

- No bonfires to be held on site at any time.*
- Hours of demolition and construction are to be limited to  
Monday – Friday 0700 – 1900  
Saturday 0800 – 1300  
No noisy activity on Sundays or Bank Holidays*
- 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.*

*Should nuisance complaints be received by this department, Environmental Health have a duty to investigate and take action as necessary.*

8.12 Further information was submitted in response to the Environmental Health comments and Environmental Health made the following further comments:

*I can confirm that if the position of the delivery road was at the distance that has been stated and this position was indicated by a condition, then the attenuation due to distance and the noise barrier would be sufficient for the deliveries. The delivery vehicles would obviously create noise when they driving along the road and so the noise would not just be when they are parked up and delivering.*

*However, I still have concerns about reversing alarm noise. I stand by my previous comments.*

8.12 Weymouth Town Council - *The Council objects on the following grounds: ECON2 the protection of key employment sites. The Council recognises that B1, B2 and B8 are the preferred uses and that retail uses are not generally supported.*

*A strategic objective under paragraph 1.3.1 of the 2015 local plan states Support the local economy to provide opportunities for high quality, better paid jobs. Paragraph 1.3.1 provides for a strategic approach: A continuing supply of land and premises suitable for employment uses is needed, of a type and scale appropriate to the characteristics of the local area, to provide sufficient opportunities for employment needs to be met locally, to reduce the need to travel and promote economic growth and social inclusion.*

*Paragraph 7.1.2 (Weymouth) contains areas of multiple deprivation with some areas within the top 10% of deprived areas in the country. It also has an economy too reliant on low paid service jobs. The Adopted Local Plan provides for 16.7ha of employment land across Weymouth and Portland. As Osprey Quay falls outside WTC boundaries the 14ha site at Mercery Road therefore provides the bulk of employment land included in the plan for Weymouth.*

*ENV16. AMENITY Protects residents interests on quiet enjoyment, loss of privacy, overshadowing, activity, noise, pollution, vibration, noise, odour, light pollution.*

*ENV15. EFFICIENT AND APPROPRIATE USE OF LAND i) Development should optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.*

*ENV12. THE DESIGN AND POSITIONING OF BUILDINGS Siting, alignment, design, scale, mass, and materials used complements must respect the character of the surrounding area; the position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area; the scale, mass and positioning of the building should reflect the purpose for which the building is proposed.*

*ENV11. THE PATTERN OF STREETS AND SPACES Concerns were raised about increased level of traffic, within the development and on nearby roads and junctions. There was concern about increased risk of antisocial behaviour in car parks after dark.*

*ENV9. POLLUTION AND CONTAMINATED LAND i) Development will not be permitted which would result in an unacceptable risk of pollution to ground water, surface water-bodies and tidal waters. ii) Planning permission for development on or adjoining land that is suspected to be contaminated will not be granted unless it can be demonstrated that there is no unacceptable risk to future occupiers of the development, neighbouring uses and the environment from the contamination.*

*ENV3. GREEN INFRASTRUCTURE NETWORK*

*ENV2. WILDLIFE AND HABITATS*

*COM7. CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK i)*

*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. ii) Development should be located where the volume of traffic likely to be generated can be accommodated on the local highway network without exacerbating community severance. iii) Development will not be permitted where the residual cumulative impacts on the efficiency of the transport network are likely to be severe.*

*Although the Council objects to this planning application, should it go ahead the Council would wish to support the opportunity to lever funding for public transport.*

*8.13 Further Weymouth Town Council (in response to re-consultation) - Weymouth Town Council objected to the original application and notes revisions to the site plan. The Committee welcomes economic development in Weymouth but notes that this development does not fall in line with 2015 Local Plan, where the site is reserved for light industrial use. On revised application as it stands, there is support for this application and there are objections. Weymouth Town Council raises objections on material planning issues regarding amenity, impact on neighbouring properties, increase to traffic flow, sequential tests. Weymouth Town Council requests that the application be discussed at the Dorset Council Western and Southern Area Planning Committee.*

## **9.0 Representations**

9.1 In total thirty-five third party responses were received in response to the application, multiple responses were received from the same people. Eight responses received were in support of the application and twenty-seven objecting to the proposed development. The reasons set out for objecting to the application are summarised below:

Principle of Development:

- Site is designated for B1, B2 and B8 use not retail
- Site is a key employment site
- Impact on Town Centre taking business away
- Already have too many fast food outlets (84 fast food outlets)
- Jobs provided would most likely be poorly paid and/or zero hours contract jobs wouldn't be in the best interests of local employment
- Very few other sites in Weymouth which are identified as key employment sites
- Changing the use of the land to provide low paid classes A1, A3 and A5 would be a regressive step to improving the current deprived level
- Difficult to see the justification for an out of town DIY store
- Vacant unit on the Jubilee sidings business park as soon as the new Aldi store opens which could be accommodated by one of the stores proposed
- Changing the use of the land because no financially viable proposals have been submitted is no justification
- Shortage of well paid jobs in the area
- The site should be protected to allow for well-paid employment
- Development will decimate the already depleted town centre, adding further to deprivation pressures
- Retail development cannot be justified
- Area cannot sustain four new retail providers all would compete with existing stores in the area
- Need to hold to this aspiration of attracting higher paid higher skilled jobs for long-term economic growth of Weymouth
- Many vacant stores in the town centre
- Weymouth needs more upskilling of workers for example light industrial
- Proposal does nothing to re-generate seaside towns
- Similar or the same units already in Weymouth

Highway Safety:

- Additional traffic generated at the Mercery Road/Dorchester Road will prove hazardous to an already high usage road
- Increased traffic at all surrounding junctions
- Entrance/exit located opposite the entrance to the Ambulance Station which could then cause problems for emergency vehicles
- A joined-up, controlled traffic management plan needs to be developed
- Area is totally unsuitable for the influx of traffic that this development would create
- Significant issues with traffic and pedestrian safety

- The introduction of some sort of traffic filtering capability must be an essential condition for any further development

#### Amenity:

- Site is too close to the residential area and will completely alter their current outlook
- Noise and anti-social behaviour from 24 hour drive through
- Anti-social behaviour if the main car park to the development is not closed at night
- Noise disturbance from deliveries including turning/reversing in the service area and goods being unloaded
- Road and security lighting would greatly increase the intrusive light level during the dark hours
- Odours from fast food will impact on residential properties
- Close proximity of large units to residential properties
- Light pollution from access road, delivery bays and turning circles especially
- Employment uses would have less of a negative impact on local residents as operating hours are often less than those of national retailers
- Servicing times indicated are considered unacceptable for Services Area backing onto residential properties
- No assessment has been provided of lighting levels that will be emitted from the internal lighting of Unit 3 through its roof lights
- Health Impact Assessment should be submitted for fast food outlet
- Development would help support people in making healthier choices
- Increased litter in the surrounding area from the drive thru
- Bund is not evergreen and is therefore markedly diminished as a visual and acoustic barrier during the winter months
- Retail and fast food provides more of the underlying contributors to deprivation
- High levels of fast food outlets have a negative impact on health and growing obesity problem
- Two major schools within close proximity to the proposed fast food outlet
- Noisy electrical substation close to residential properties
- Reliance on good management and working practices by tenants to limit noise disturbance to residential properties in an unrealistic and unacceptable strategy
- Service road/service yard is too close to residential properties on its Southern Boundary
- Smells and fumes from venting and exhaust fumes
- Proposal will completely change the outlook of residents
- Massive development is sited much too close to the residential area on the southern boundary
- Noise generated by late night and early morning delivery vehicles by this 24 hour operation
- Fast food outlet would be on the route home for many Radipole Primary School and Wey Valley School children
- Rubbish bins located close to boundary with residential properties no indication of how smells from these would be controlled or any vermin control measures
- Noise created will be 7 days a week and in some parts it will be 24 hours too

- Turning circle planned to be built right next to the gardens of the houses which would cause a lot of noise pollution for residents
- Simplistic approach used in the noise assessment which is insufficient to form conclusions
- Acoustic barrier to be constructed is unlikely to be that simulated in the acoustic modelling

#### Flood Risk & Drainage:

- Hardstanding of the site will increase flood risk both to residents and to the RSPB site
- Reduced capacity of land to soak up rainfall
- Impact on existing foul drainage issues in the area
- Large roofs of the proposed development and large hard surfaced car parks raise concerns after significant rainfall where the water will go
- Risk of flooding to neighbouring properties
- Any change in topography would change the natural drainage characteristics of the site and could lead to flooding

#### Other:

- Impact on biodiversity of RSPB site
- Possible contamination from dumped material
- Bund is sinking in places and if not properly increased and maintained this may become worse
- Trees form part of a group preservation order
- This development should pay for the development of the park and ride service
- Existing mature trees on bund at the back of development need to be protected
- Increased carbon emissions
- Concerns regarding hazardous materials and ground contamination
- Impact on local wildlife and their transit routes from Lodmoor would be cut off
- Reptile and amphibian activity on the proposed site
- Detract from the character and amenity of the area
- Impact of pollution this development will cause to surrounding wildlife including the adjacent SSSI and the RSPB reserve at Lodmoor
- Possible contamination of the site from dumped materials
- Sewerage systems needs to be upgraded to meet the increase in loading
- Sufficient consultation has not been given for the application

9.2 The application was amended, reducing the number of units proposed and a full re-consultation was undertaken, any additional reasons for objecting are summarised below:

- Would leave no sites in Weymouth for employment
- Development should be revisited once the County has recovered from the Coronavirus crisis

- Little effort will be made to secure a Class B employer for the site and after the agreed period an application will be submitted for retail units
- Removal of units and the land identified as future development land implies there is clearly no current demand for these units
- New Aldi store not considered in traffic assessments
- Noise from reversing warning beeps and voices of operatives
- Current market for retail is uncertain
- Due to pandemic there is likely to be a number of Class A vacancies in the town centre
- Industrial units were to provide opportunities for young people
- Result in more lorries in the area
- Retail businesses that have ceased trading in the town centre for example Debenhams
- Site should be used for social housing

### 9.3 The reasons set out for supporting the application are summarised below:

- Presents a major opportunity to improve public transport provision to this area and Weymouth as a whole
- Re-development of the site to bring the land back into use which has been vacant for several years
- Will create jobs and bring investment and economic growth into Weymouth
- Costa coffee operating different locations appeals to the wants of the consumer need state/occasion – urban road-side drive thru units serve customers already making trips on the road network and customers visiting adjacent uses
- Proposed drive thru costa coffee is complementary to the high street and concession store
- Typical drive thru costa coffee will provide in the region of 15 full/part time jobs, with no zero hour contracts and these jobs would be net additional to the existing employees in the town centre units
- Each McDonalds restaurant create a minimum of 65 jobs for local people
- McDonalds restaurants are 100% powered by renewable energy
- Clear message that Weymouth is open for business – need to encourage private developers to invest
- No prospect of the site attracting predominantly B class occupiers
- Site has been vacant for over 10 years
- Granby Industrial Estate has ample space for more industrial style use if required
- Will draw shoppers into Weymouth who in turn will venture into the town and surrounding areas
- Improve Weymouth's offerings as a visitor attraction in and out of season
- Deliver year round jobs
- Compliments the existing businesses and retailers on the site
- Named occupiers have been secured which confirms the viability and ensures the deliverability of the proposed scheme
- More likely to attract other investment to the site than if the land continues to remain vacant



- Re-development of a site that has been neglected for many years

9.4 A Statement of Community Involvement (SCI) and a SCI Addendum were submitted as part of the application. The State of Community Involvement Addendum sets out that 494 responses were received by post and online. It concluded that 87% of respondents were supportive of the proposals and summarises the response received as part of the public engagement.

## **10.0 Relevant Policies**

### West Dorset, Weymouth and Portland Local Plan

- INT1. Presumption in Favour of Sustainable Development
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV5 Flood Risk
- ENV9. Pollution and Contaminated Land
- ENV10. The Landscape and Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design and Positioning of Buildings
- ENV13. Achieving High Levels of Environmental Performance
- ENV15. Efficient and Appropriate Use of Land
- ENV16. Amenity
- SUS1. The Level of Economic and Housing Growth
- SUS2. Distribution of Development
- ECON1. Provision of Employment
- ECON2. Protection of Key Employment Sites
- ECON4. Retail and Town Centre Development
- COM7. Creating a Safe and Efficient transport Network
- COM9. Parking Standards in New Development
- COM10. The Provision of Utilities Service Infrastructure

### National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

### Decision making:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Other material considerations

Urban Design (SPG3)

Weymouth and Portland Landscape Character Assessment 2013

DC Parking standards guidance

## **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 PSED.

In the context of the above PSED, the proposal would provide disabled parking adjacent to the entrance of each of the proposed units with levelled access to each of the units.

## **13.0 Financial benefits**

- Around 50 full time equivalent construction jobs supported for the duration of the 18 month build period.
- Around 237 gross permanent jobs (mixture of part-time and full-time) resulting from the proposed development once operational.
- Site will generate business rate revenue once fully operational.

## **14.0 Climate Implications**

14.1 The proposed development involves the erection of retail development comprising five units (use classes A1, A3 and A5). The proposed units are not located within Weymouth Town Centre, however they are located on Mount Pleasant Business Park alongside Aldi, Sainsbury, Morrisons, New Look's headquarter, Premier Inn, Beefeater Pub, Medisave and a terrace of employment units. The proposed units would be served by a large car park and would generate vehicular movements releasing carbon monoxide. However it would also provide cycle parking with three cycle parking locations in front of the retail terrace and one serving unit 5. The site would also be served by public transport with bus stops positioned on Mercery Road.

14.2 A Energy Strategy has been submitted as part of the application, the report sets out the proposed fabric performance, utilising a fabric first approach with thermally efficient building fabric, high performance multi split heating/cooling systems incorporating heat recovery, renewable technologies and associated carbon dioxide emission reduction for the proposed development. The report sets out that solar panels would offset a minimum of 7.5% of the development's total energy with the panels spread equally across units 2-4 (circa 95m<sup>2</sup> per unit).

14.3 The proposed scheme would also include the provision of 32 electric car charging spaces.

## **15.0 Planning Assessment**

### **Principle of Development**

15.1 The proposed development is for the erection of retail development comprising of five units falling within the use classes A1, A3 and A5 with associated car parking, servicing arrangements, landscaping and groundworks. The application site is located within the defined development boundary for Weymouth. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements with the main towns of Dorchester and Weymouth being the highest priority locations for new development. The proposed development is considered to comply with policy SUS2, it is located within the DDB for Weymouth and is in close proximity to a bus route. The site also formed part of a previous application 11/00096/HYBE for the wider Weymouth Gateway site which was granted permission in 2011.

#### **Sequential Test:**

15.2 The proposed development is for retail and therefore Local Plan policy ECON4 of the adopted local plan is applicable. Policy ECON 4 requires a sequential approach to be taken for applications that involve new retail and town centre uses. Para 86 of the NPPF states that *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*. A retail assessment was submitted as part of the application which included a sequential test and impact assessment.

15.3 Planning Policy were consulted on the application. Planning Policy raised concerns that when considering potentially sequentially preferable sites in the town

centre, a greater degree of flexibility was required in particular the large amount of land identified for car parking provision as there would be opportunities to reduce this provision in a sequentially more favourable and accessible town centre location. It was also considered that many of the town centre sites have been ruled out individually by the applicant on the basis of site size, because of the very close proximity of many of the sites there is the opportunity to aggregate these together which may offer opportunities for a larger proposal to be accommodated. Policy conclude that the sequential test should be independently verified by retail planning consultants.

15.4 Lambert Smith Hampton (LSH) were instructed to undertake a retail assessment of the proposal on behalf of the Council. In response to the retail assessment LSH requested further information including a request for an up-to-date health check assessment of Weymouth. Whilst this information was being prepared by the applicant the scheme was also amended and the proposed floor area reduced. The reduction involved the removal of unit 5 which was originally intended to support a DIY retailer and units 9 & 10 have also been removed.

15.5 LSH advised that the application should consider disaggregation as part of the sequential test. The applicant provided various reasons why the combination of operators and uses were necessary but LSH considered that although there is no doubt that retailer's benefit from linked shopping trips where they are located alongside other retailers this could still be achieved via a disaggregated scheme, particularly where alternative sites are located within or close to existing shopping locations. In relation to units 7 & 8 which are intended as a McDonalds with a drive thru and costa coffee with a drive thru, the applicant argued these are standard offers on retail parks. However LSH conclude that the use class A3/A5 are not essential to the retail function or the retail uses and that their purpose is to improve the overall rental position of the retail park and can trade separately from each other and from the retail uses.

15.6 In the assessment of sites LSH set out that whilst they consider there is a robust case to support disaggregation of the scheme, this should be on the basis that the commercial components can be accommodated (after allowing for flexibility in format and scale) on a combination of more central sites. LSH concluded that whilst there is a potential to accommodate the A3/A5 uses, the key issue that emerged relates to accommodating the proposed retail element. A key site for accommodating part of the proposed retail floorspace (also raised by third parties) was the previous Aldi store, site at Jubilee Sidings, however this is now occupied by Food Warehouse and therefore the unit is no longer available. Comments have also been made regarding the Debenhams store but it is to be occupied by The Range so is also no longer available. LSH concluded this left the Lakeside Bowling site in Weymouth Town Centre as the only other potential site to accommodate the proposed retail floorspace. However, the site measures approximately 1,679sqm and based on the proposed retail floorspace could only reasonably support some of the proposed units. It was therefore accepted that there are no vacant units in the town centre that could support the remaining proposed retail floorspace, even if allowing for flexibility in format and scale.

15.7 Given the above, it is considered that the proposed development has satisfied the sequential test and therefore complies with criteria iii) of Local Plan policy ECON4. Whilst disaggregation should be considered in this case, there is not sufficient a number of suitable and available alternative sites in or on the edge of Weymouth to accommodate all of the proposed uses even when considering flexibility in format and scale.

#### Impact Test:

15.8 Local Plan policy ECON4, part iv) states that *development likely to lead to significant adverse impacts on existing centres will be refused*. The supporting text to the policy sets out that proposals exceeding 1,000m<sup>2</sup> floorspace in location outside town centre areas will be required to submit an impact assessment. This is supported in para 89 of the NPPF. The submitted Planning and Retail Assessment as part of the application includes an impact assessment of the proposed development on principally Weymouth Town Centre. Planning policy commented that the impact test should be independently verified by retail planning consultants.

15.9 LSH were also instructed to consider the impact assessment as part of their retail assessment. Further information and an addendum were also submitted in response to the comments of LSH. In relation to units 7 and 8 (proposed McDonalds and Costa) it was considered that these would not have a material impact on food and beverage operators in the town centre. LSH accepted that the McDonalds, which will account for most of the A3/A5 turnover and will primarily draw its turnover from like to like operators, particularly other McDonald's outlets for example Jubilee Retail Park. A condition was recommended for these units to ensure that they cannot be subdivided or converted into A1 use without the requirement for planning permission, such a condition would be placed on any approval if granted (conditions 7 & 8). In LSH's final response in relation to the retail aspect of the impact testing they still raised concerns over the evidence and robustness of the impact testing carried out by the applicant but concluded that based on the evidence and even assuming an impact double the level assessed by the applicant for Weymouth Town Centre, and subject to planning conditions, there is not sufficient evidence to prove that the development would lead to a significant adverse impact on the vitality and viability on Weymouth Town Centre.

15.10 Given the above it is considered that the proposed development, subject to conditions setting out the goods to be sold would not lead to a significant adverse impact on Weymouth Town Centre or other existing centres and therefore complies with criteria iv) of Local Plan policy ECON 4.

#### Key Employment Site:

15.11 The application site is located within the key employment site, Mount Pleasant covered by the Local Plan Policy ECON2. Policy ECON 2, iii) *retail uses will not generally be supported* on key employment sites. The supporting text explains that key employment sites are the larger employment sites that contribute significantly to the employment land supply for B class uses. Consultation on the options set out in the Dorset Council Local Plan are taking place at the time of report preparation and are due to run until 15 March 2021. The Dorset Council Local Plan Options

Consultation document – Volume 2 – Central Dorset looks to carry forward the key employment site designation for Mount Pleasant Business Park. No weight can be assigned to this due to the current position of the new Local Plan but it is included for information. The Planning Policy Team were consulted on the application and objected, recommending the land continues to be safeguarded for employment uses reflecting its key employment land status. They acknowledged that the proposed development would create jobs however they did not consider that the provision of a large number of retail related jobs would outweigh the loss of this last important piece of large scale employment land on this side of Weymouth. Concerns were also raised by third parties of the loss of the employment site and that it should be retained for B use classes.

15.12 In response to the comments received the scheme was amended removing the proposed units 5, 9 and 10. The part of the site where unit 5 was proposed was amended to be identified as an area of the site for potential future Class B employment development. Enabling works would be undertaken on this part of the site to make it ready 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. This part of the site would provide an opportunity for Class B development.

15.13 A hybrid planning application for the redevelopment of the Weymouth Gateway site was granted in July 2011 (11/00096/HYBE). The application site formed part of that wider hybrid application, it was cleared for development but has remained vacant and no employment use has come forward for the area in that time despite the principle for the development having been established through the approved application and the site having made available for the development. A full planning application on the opposite site of Mercery Road to the application site was approved for the erection of an Aldi foodstore (WP/18/00489/FUL). This site also falls within the key employment site and a more flexible approach was considered appropriate given the historical lack of interest in the site from prospective B Use Class occupiers, the sites surrounding uses and the net job creation of some 15-20 jobs from the creation of the proposed larger Aldi store on the site.

15.14 The proposed use is for retail development and not employment but it would still provide jobs. The definition of employment in the adopted Local Plan includes the following statement 'it also applies to non B class development which provides direct, on-going local employment opportunities such as tourism and retail'. As part of the application an Economic Benefit Statement has been submitted. The statement sets out that the construction phase of the proposed development would create approximately 50 jobs supported for the duration of the 18 month build period. The Economic Development Team argued that the construction jobs stated would not provide added benefit as a construction team would also be required to build employment buildings. However, they would provide additional jobs to leaving the site vacant. It is also estimated that the development once operational would result in at least 237 gross permanent jobs (both full time and part time). This can be broken down into the prospective occupiers with Dunelm offering 65 jobs (split between full-time and part-time roles), B&M Homestore offering 75 jobs (split between full-time and part-time roles), Costa Coffee offering 15 FTE jobs and McDonalds offering 65 FTE jobs. There is not a proposed occupier for unit 2 but employment has been

estimated by applying average employment densities. The Economic Benefit Statement also sets out that the additional benefits include that the site would generate business rate revenue once fully operational and that the site includes additional land that would be made good which would provide the opportunity for B class employment use. This would mean that if an employment use comes forward the site would be ready to develop and could be provided quicker. The Economic Development Team emphasises the demand/need for small scale business space however the amendment means that the whole of the employment site would not be lost and maintains a site for future employment use which could be occupied by small businesses. A condition would be placed on any approval for the employment land to be left in a ready state to ensure these works are carried out (condition 9).

15.15 Concerns have been raised by third parties that there are few key employment sites in Weymouth. However as detailed above the proposed development would not result in the loss of the whole of the employment site. It is also worth noting that the other key employment site for Weymouth as detailed in the Local Plan is the proposed Littlemoor Urban Extension. The outline permissions WP/16/00253/OUT and WD/D/16/000739 at Land to North of Littlemoor Road, Weymouth were approved on 08/12/2020 and include the provision of 7.95ha of employment land. Concerns were also raised that little effort has been made to secure class B employment for the site. Following the grant of outline planning permission in 2011, the site was cleared and made available for development but the applicant sets out in the supporting information that no viable development has come forward in that time.

15.16 Given the above factors of the approved Aldi supermarket application and that the site has remained vacant with no employment uses coming forward it is considered on balance that the job creation and investment in the local area that the proposed scheme would provide outweighs the loss of the key employment site in this case.

## **Residential Amenity**

15.17 The proposed development involves the erection of retail development comprising of 5 units. The application site is located within the Mount Pleasant Business Park. The site is bounded by Souter Way to the North and Mercery Road to the west. To the north and west of the site are the commercial premises of the business park, the only residential properties in close proximity are those to the south located within Hetherly Road and St Andrews Avenue. The site, although currently undeveloped does form part of the key employment site and therefore has been considered previously for future development.

15.18 The proposed development would result in the terrace of 3 large retail units close to the boundary with the neighbouring properties. The units would be positioned with the rear elevation facing the boundary with the neighbouring properties. The topography of the local area means the application site sits lower than that of the properties to the rear and would be separated by the existing tree lined bank (additional planting is also proposed), the gardens of the neighbouring properties also provide further separation of the rear of the houses from the boundary. Given all of the above the proposed development is not considered to

result in overlooking or an adverse overbearing impact on the neighbouring residential properties.

15.19 Third party concerns have been raised regarding the impact of noise from the proposed development on the adjacent neighbouring properties. As mentioned previously, the site is allocated as a key employment site and has been considered as site acceptable for future development. A Noise Assessment was submitted as part of the application. Environmental Health were consulted on the application and considered noise which has been separated into the following plant noise, car parking noise, delivery noise, drive-thru noise. In relation to plant noise Environmental Health agreed that if the development was approved there should be a condition that ensures the plant noise is not more than the existing background levels as at this stage it is not yet known what plant there will be on the site. A condition regarding plant noise would be placed on any approval granted (condition 11). In relation to car parking noise Environmental Health raise no concerns as the car parking would be located some distance away from the residential properties and would be the other side of the built form of the large retail units. In terms of noise from the proposed drive thru, these units are located towards the northern boundary away from residential properties and is therefore not considered to raise a concern and Environmental Health raised no comments on this. Given the above the opening/trading hours of the units would not be restricted by way of a condition.

15.20 In particular, third party concerns were raised regarding noise from deliveries as the service area for the terrace of 3 retail units is located behind the units adjacent to the boundary with the residential properties. Environmental Health raised that there is potential for noise disturbance from engine noise and in particular from reversing alarms and deliver cages etc. Concerns were initially raised by Environmental Health and clarification sought on how the noise levels would be attenuated to an acceptable level for the nearby residential properties and the potential for noise disturbance due to the tonal nature of vehicle reversing alarms at this close proximity especially during the night period. In response to the comments received, further information and clarification was received including the dimensions from the nearest noise sensitive property. Environmental Health concluded that the night time noise levels from deliveries taking into account the effect of the proposed noise barrier would be within the WHO guidelines and that the attenuation due to the distance and the noise barrier would be sufficient for deliveries. A condition would be placed on any approval granted for the erection of the noise barrier (condition 12). They advised that a condition should be placed on any approval for the position of the delivery road as specified however it is considered that this would be adequately covered by the approved plans list. Concerns were still raised regarding the noise from tonal reversing alarms as by their very nature they are designed to be easily heard so as to avoid collision. The applicant set out that the layout of the site would mean that reversing movements would be minimal due to the position of a turning circle at the western end of the delivery road. A condition for a Service Yard Management Plan was suggested by the applicant and Environmental Health agreed and this would be placed on any approval granted (condition 13). Environmental Health still raised concerns that minimum noise from reversing alarms would still be likely to cause a noise disturbance to nearby residential properties. However given all of the above the proposed development is not considered to significantly adversely affect the amenity of neighbouring residential properties. The applicant



sought unrestricted delivery hours for units 7 and 8 and delivery hours of 0600 to 2300 hours for units 2, 3 and 4. Given the relationship of the retail units with residential properties a condition would be placed on any approval restricting deliveries between 0700 to 2200 Monday to Saturday and 0800 to 1900 on Sundays and Bank Holidays for units 2, 3 and 4 (condition 10).

15.21 As part of the application an Air Quality Assessment (AQA) was submitted. The AQA concludes that during the construction phase, with appropriate mitigation measures in place, the risk of adverse effects due to emissions will be negligible. The mitigation would be agreed through a condition for a Construction Method Statement that would be placed on any approval granted (condition 25). The AQA also concluded that the impact on air quality is determined to be negligible at all receptors based on the methodology used. Environmental Health were consulted and considered that the methodology used in the AQA was agreed and the conclusions of the report are accepted. An External Lighting Report was submitted as part of the application, Environmental Health were consulted on the application and considered that the report considers the worst case scenario and therefore accepted the report. A condition would be placed on any approval granted for the development to be carried out in accordance with the External Lighting Report (condition 14). Environmental Health do set out that they would review lighting in future on a case by case basis as necessary. Third party concerns were also raised regarding odours omitted from the proposed food outlets, these units are positioned further away from the neighbouring properties. Environmental Health also recommended a condition be placed on any approval that suitable effective filtration, absorption or other odour neutralisation equipment shall be installed, operated and maintained to suppress the emission of cooking odours from the premises to the satisfaction of the Local Planning Authority (condition 15).

15.22 Third party concerns have also been raised regarding the car park being used for anti-social behaviour at night in particular in relation to cars. It is the intention of the developer that the larger car park which would serve the terrace of retail units would be closed off at night using a barrier at the entrances. This would retain the access to the smaller units and the drive thru.

15.23 Third party concerns have been raised regarding the inclusion of a fast food outlet as part of the proposed scheme. In particular the negative impact of this on health and obesity and the proximity of the fast food outlet to schools and it being located on the route home for pupils. There is no policy in the Local Plan about such outlets and their locations. The NPPF para 91 sets out that decisions should aim to achieve healthy, inclusive and safe places which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of ... access to healthier food.

Unit 8 of the proposed development is for use class A3/A5, as part of the application the applicant has set out that McDonalds are interested in the unit. However this application would be approving the use and not the occupier. The unit therefore could be used for any type of restaurant and takeaway, it is not necessarily a fast food outlet. Although the raised concerns are understood it does also need to be considered that it is down to choice and down to the public as to whether they frequent such eateries and therefore the introduction of a fast food outlet does not mean that people have to eat there. Concerns have also been raised regarding the

location of the unit close to schools, there are no schools adjacent to the site. The two closest schools Radipole Primary School (approximately 16 minute walk) and St John's Primary School (approximately 19 minute walk) are both primary schools and are less likely to involve children travelling unaccompanied. Wey Valley School is approximately a 27 minute walk away from the site so if pupils are walking and not taking the bus or being driven they may stop at the restaurant. However it also needs to be considered that the proposed A3/A5 use is also in close proximity to Sainsbury's, Morrisons and Aldi supermarkets although they are not restaurants, what could be considered to be unhealthy food could be bought from any one of them. Given the above it is not considered that the addition of an A3/A5 use in this location would result in a significant adverse impact to warrant refusal of the application.

15.24 Given all of the above it is considered that the proposed development would not have a significant adverse impact on the living condition of occupiers of residential properties and therefore is in compliance with Local Plan policy ENV16.

### **Visual Amenity**

15.25 The application site is an undeveloped site, located within the Mount Pleasant Business Park. The site was cleared but has remained vacant for many years. The site is bounded by Souter Way to the North and Mercery Road to the west. To the south is the tree lined bank with the housing of Hetherly Road and St Andrews Avenue behind. The topography of the area means the application site sits lower than the adjacent Mercery Road. The proposed development would be accessed off Souter Way, with the buildings arranged so as to back onto the rear of the site and facing toward the direction of approach with customer parking between. The built form comprises a large, rectangular terrace block to the south of the site with a drive thru restaurant and coffee shop to the north of the site enclosing the car park between them. The east of the site beyond the proposed service vehicle access road will be made good but left undeveloped for future employment use.

15.26 The large, rectangular terrace block would be comprised of three retail units (units 2, 3 & 4). The units follow the common building type of retail warehouses. The main shopfront entrances will consist of full height glazing framed with an external feature canopy incorporating a blade roof design falling back towards the building. The facing materials include pale grey/buff facing brick, off-white composite panels and composite roof panel in the colour Oyster White.

15.27 Unit 8 would consist of a restaurant with a drive thru. The submitted information details that the proposed unit would be occupied by McDonalds. The unit would be located at the north most point of the site, it would consist of a modern freestanding, single storey building with internal and external seating. The building would be constructed of cladding panels in Anthracite Grey, stone effect cladding panels, dark grey brick, wooden cladding strips and glazing.

15.28 Unit 7 would consist of a coffee shop with a drive thru, the submitted information details that the proposed unit would be occupied by Costa Coffee. The proposed building would be single storey and the facing materials would be finished in render with timber cladding and sheeting for the roof in the colour Anthracite Grey.

A condition would be placed on any approval for the details of materials to be submitted for all of the units (condition 16). If this application is approved, separate applications for advertisement consent would be required for any signage.

15.29 The site, although currently undeveloped does form part of the key employment site and therefore has been considered previously for future development. The site as a whole has been designed to face the public realm of the proposed car park and the surrounding roads. The proposed designs of the individual units are common for the proposed uses and proposed occupiers of them. The site would be viewed in relation to the existing development of the business park for example the Aldi supermarket positioned on the other side of Mercery Road, the Medisave building and the Ambulance station to the north with larger areas of car parking. The tree lined bank between provides separation from the neighbouring residential properties behind and the orientation of the proposed development means the proposal is viewed in the context of the business park with which it is sympathetic. The size, design of the units and the layout of the site as a whole is considered to be in keeping with the design of the business park.

15.30 A landscaping plan and a soft landscaping design document were submitted as part of the application. The landscaping includes the provision of trees within the car park and planting to the edge of the car park which would soften the proposed development and enhance the setting. The proposed landscaping also includes additional planting to supplement the existing tree lined (TPO protected) bank located on the southern boundary of the site which will help provide further separation with the residential properties. Only two trees would be removed the rest would be retained, the submitted tree protection plans show how the retained trees would be protected during construction and a condition would be placed on any approval to ensure the trees are protected prior to the commencement of works on the site (condition 17). A landscaping condition would also be placed on any approval granted (condition 18).

15.31 Given all of the above it is considered that the proposed development would not have an adverse impact on the visual amenities of the site or locality. The proposed development is therefore considered to comply with Local Plan policies ENV10 and ENV12.

## **Highway Safety**

15.32 The Transport Assessment (TA) and its addendum submitted in support of this reduced proposal consider the likely impact of the development traffic upon the highway network. It looks at the key junctions at which the traffic flows are dispersed into the network and provides a realistic prediction of new trips that are likely to be on the network, allowing for existing trips. Both the Aldi retail store (WP/18/00489/FUL) which was under construction at the time the assessment was written and the proposed Medisave extension (WP/19/01001/OUT) predicted traffic have been included in the TA modelling. Individual Travel Plans have been proposed for each unit with one over-arching travel plan coordinator. Highways considered the site to be accessible by public transport with new bus facilities recently provided within easy walking distance on Mercery Road with dropped kerbs and tactile paving to facilitate safer crossing of the road. Cycle lanes are available in the locality with

one also running along Souter Way connecting to the route between the Park and Ride the routes along the Weymouth Relief Road and the housing to the south connecting to the eastern end of Monmouth Avenue and a footpath beyond that leading to Weymouth Bay and beyond. Highways concluded that they consider the submitted Transport Assessment is satisfactory and robust and that the site layout plan and the level of parking provided would be acceptable. Whilst the TA demonstrates that the existing road layout is not leading to higher occurrence of accidents the applicant has agreed to contribute toward sustainable transport improvements for pedestrians and cyclists within the locality intended to reduce the need to travel by car which should help to reduce traffic and support efforts by the applicant to encourage modal shift to sustainable modes of transport, in accordance with local and national policy. A contribution of £144,042.02 has been agreed based on the average primary trips calculated for the development equals 197 (2-way trips), the average number of trips generated by the development during the network peak periods has been applied to the contribution factor of £731.18 per primary trip. This figure was calculated by comparing the level of contribution paid by the application (WP/18/00489/FUL) referred to as phase 1 in the application supporting information. The development, when assuming a 50% primary trip proportion, is predicted to generate an average of 197 2-way primary trips which results in a contribution of £144,042.02. Highways have identified local issues that could be addressed by way of such a contribution which are the missing links in the cycle network along the Southern end of Dorchester Road, and connecting to Radipole Park Drive along Spa Road and upgrading the signal junction at Dorchester Road/Mercery Road to manage the increased traffic and provide for sustainable access. Given the above the proposed development is not considered to present a material harm to the transport network or to highway safety subject to conditions and the contribution as detailed above. The proposed development is therefore considered to comply with Local Plan policy COM7.

15.33 The proposed development includes the provision of 32 electric car charging spaces. Para 110, e) of the NPPF sets out that applications for development should *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*. The NPPF does not specify a number of charging spaces required nor does local policy. It is considered that due to the lack of a specified number for the provision of such charging points in policy, the provision of 32 is acceptable. A condition would be placed on any approval for the provision of the charging spaces (condition 21).

15.34 Third party comments were made that if the development were approved it should pay for the development of the park and ride service. Any request for a planning obligation needs to meet tests, including is the planning obligation fairly and reasonably related in scale and kind to the development. The propensity for the park and ride service to be a transport choice for this type of development is low particularly as it is next to the site and that the proposal makes significant on-site parking provision to meet the needs of the development and lies on an existing public transport service. Given the above it is not considered fair or reasonable for the development to meet this suggested obligation and there is insufficient justification to demonstrate how the level of bus service subsidy relates to the demands of the development proposal. The proposal if approved however would be making a sustainable transport contribution.

## **Flooding & Drainage**

15.35 The proposal is for retail development comprising of five units. The majority of the application site is within flood zone 1 however part of the site is identified as being at risk of tidal flooding, with flood zone 2 & 3 extents present along the eastern boundary of the site. The site is also at risk of pluvial flooding, however, the tidal flood extents include these surface water flood events. The EA confirmed that the flood zones contained within the flood map for planning are confirmed as tidal at this location and therefore would not be advising that the site is within the functional floodplain and seeking floodplain compensatory storage for the development in the areas shown to be at risk.

15.36 The Flood Risk Management Team were consulted on the application and raised concerns which needed to be addressed. One of the concerns raised was that the drainage information set out that underground storage features would have to be used predominantly because it was considered there was insufficient space on site for the use of SuDS features. In response to the comments received a Drainage Strategy Addendum was submitted which included the provision of SuDS features including the provision of an open attenuation pond (also in line with other consultees see following paragraph). The Environment Agency advised that the proposed car parking and surface water attenuation feature would be sited in the area of flood risk and would expect the Lead Local Flood Authority to advise on the acceptability of the surface water attenuation feature to operate effectively in this area over the design life. The Flood Risk Management Team considered the location of the attenuation basin and considered it acceptable as the extents are defended, however, and the combined probability of a SW flood event and tidal flood event (which might overwhelm the Preston flood defences) is unlikely. The further information submitted provided the Flood Risk Management Team with the necessary detail to substantiate the proposed Surface Water Strategy and therefore raised no objection subject to conditions for a detailed surface water strategy management scheme for the site and details of maintenance & management which would be placed on any approval granted (conditions 22 & 23). The proposal is therefore considered to be in accordance with Local Plan policy ENV5.

15.37 As detailed above any planning permission would include a condition for a detailed Surface Water Strategy however at this stage we need to ensure that the basin would be considered safe. The proposed development is for commercial development and does not include the provision of residential or public open/recreational space. The proposed basin would be positioned on the eastern boundary of the site, away from the proposed car parking and on the opposite side of the service access road. The submitted Drainage Strategy Addendum shows that the basin would be constructed to comply with Ciria SuDS Manual with 1:3 sides and a suitable depth that would not require fencing to be made safe.

## **Biodiversity**

15.38 The proposal involves the erection of a retail development on undeveloped land. The proposed development would result in a vast majority of the site being covered in hardstanding. Natural England were consulted on the application, they

welcomed the submission of a Biodiversity Mitigation and Enhancement Plan (BMEP) but that it needed to be agreed and approved by the Natural Environment Team (NET). Natural England also raised concerns about the risk that surface water runoff from the site would discharge into the Lodmoor SSSI and that an open SuDS feature should be incorporated into the site to remove any uncertainty. Concerns have also been raised by third parties regarding the impact of the proposed development on the local wildlife. In response to the comments an amended BMEP was submitted alongside a certificate of approval from NET. The BMEP sets out the proposed mitigation which includes the requirement for a Construction Environment Management Plan (CEMP) (condition 25) and a Landscape and Ecology Management Plan (LEMP) (condition 26) both of which would be conditioned separately on any approval granted. The BMEP also details enhancement measures which include the provision of bat boxes, bird boxes, a hedgehog box and other measures. A condition would be placed on any approval granted for the development to be carried out in accordance with the agreed BMEP (condition 24). An attenuation pond has also been proposed to the east of the site, Natural England were re-consulted and considered that the drainage scheme removes any concerns they had around impacts on Lodmoor SSSI and note that the BMEP has been certified so they raise no objection to the scheme subject to conditions. Given the above the proposed development is not considered to have an adverse impact on biodiversity and therefore is in accordance with Local Plan policy ENV2.

## **Contamination**

15.39 As part of the application a Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report were submitted. WPA were consulted and set out that the site is adjacent to a closed landfill (mapped 1971-1994) and there is significant made ground to the north and centre of the site. Some crushed concrete, steel bar was noted as spoil presumably from prior demolition of site structures or from unregulated tipping. Concerns have been raised by third parties regarding potential ground contamination from dumped materials. WPA set out that in respect to soil and groundwater testing data the report concludes that there are no findings to indicate contaminants of concern are present at levels exceeding acceptable generic assessment criteria for the proposed land use but that an unexpected land contamination condition would be required (condition 28) and this would be placed on any approval granted. WPA also conclude that the matter of the adequacy of the Phase One component of the site investigation can be agreed as completed but they recommend further consideration of the significance of the neighbouring closed landfill, the drainage channels and potentially a requirement for further ground gas monitoring to finalise the ground gas risk assessment. It was considered and agreed by WPA that the requirement of the further assessment could be covered by a pre-commencement condition due to the information already submitted (condition 27). Given the above proposal is considered acceptable in relation to contamination and Local Plan policy ENV9 subject to conditions.

## **16.0 Conclusion**

16.1 The proposed development involves the erection of a retail development comprising five units (use classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks. The proposed development

has satisfied the sequential test and subject to conditions would not lead to a significant adverse impact on Weymouth Town Centre or other existing centres and is therefore considered to comply with Local Plan policy ECON4.

16.2 The application site is located within a key employment site. The proposed development would result in retail development on that site and therefore the loss of part of the key employment site. However, on balance it is considered that the benefits that the scheme would provide and that the site has remained vacant for many years outweighs the loss of the key employment site in this case.

16.3 The proposed development is also considered acceptable subject to conditions in relation to residential amenity, visual amenity, highway safety, flooding and drainage, biodiversity and contamination.

16.4 As the recommendation is for approval and the proposed development involves retail development outside of the town centre which meets the following criteria:

- is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- is not in accordance with one or more provision of the development plan in force in relation to the area in which the development is to be carried out; and
- consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
  - 5,000 square metres or more; or
  - Extensions of new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

The application will be referred to the Secretary of State to give the Secretary of State an opportunity to consider whether to exercise call-in powers under section 77.

## **17.0 Recommendation**

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.
- 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.

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. Unit 7 hereby approved shall be used as use Class A1 and A5 of the Use Classes Order, 1987 (as amended) and shall not be used 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

8. Unit 8 hereby approved shall be used as use Class A3 and A5 of the Use Classes Order, 1987 (as amended) and shall not be used 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.

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](mailto: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](mailto: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.