

APPLICATION NUMBER: WP/19/00778/FUL

APPLICATION SITE: Land East of Mercery Road, Weymouth

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

DECISION:

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

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

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

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

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

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

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

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

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

REASON: The application is justified on the basis of the provision of goods as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

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

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

REASON: The application is justified on the basis of the provision of goods as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

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

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

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

REASON: The application is justified on the basis of the provision of goods as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

REASON: The application is justified on the basis of the provision of the sales area of the stores submitted because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

REASON: The application is justified on the basis of the provision of the use class as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

REASON: The application is justified on the basis of the provision of the use class as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.

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

REASON: For the avoidance of doubt.

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

REASON: In the interests of neighbouring amenity.

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

REASON: In the interest of neighbouring amenity.

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

REASON: In the interests of neighbouring amenity.

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

REASON: In the interests of neighbouring amenity.

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

REASON: In the interests of neighbouring amenity.

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

REASON: In the interest of neighbouring amenity.

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

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

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

REASON: To ensure the trees are protected.

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

And; is based upon the hydrological and hydrogeological context of the development (including clarification of how surface water is to be managed during construction), has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

23. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

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

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

REASON: In the interests of biodiversity mitigation and enhancement.

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

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

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

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

REASON: In the interests of biodiversity.

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

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

The remediation strategy, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby approved first comes in to use or is occupied. Within 4 weeks of the completion of the remediation strategy a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure potential land contamination is addressed.

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

REASON: To ensure risks from contamination are minimised.

Informatives:

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

2) Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.

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

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

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

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

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