

Application Number	P/FUL/2023/06930
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	New Look Site including areas off Chandler Close and Souter Way, Mercery Road, Weymouth, DT3 5FU
Proposal:	Construction of a Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, hard and soft landscaping, infrastructure and associated works
Applicant name:	LondonMetric Property and Avercet Limited
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Barrow and Cllr Gray (prior to May 2024 local elections) Cllr Bell and Cllr Brown (post May 2024 local elections)

1.0 Reason for consideration of application by planning committee

1.1 This application is brought before the Western and Southern Area Planning Committee in accordance with Para. 134(iv) of the Scheme of Delegation due to the development being contrary to the Development Plan (employment policy ECON2).

2.0 Summary of recommendation:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under Section 77 of the Town and County Planning Act 1990 and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes.

And subject to the planning conditions detailed at Section 18 of this report.

B) Refuse permission for the reasons set out at Section 18 of this report if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

- The proposed development is within the Weymouth Defined Development Boundary (DDB).
- The proposed development has satisfied the sequential test.
- Subject to planning conditions, the proposed development would not lead to a significant adverse impact on Weymouth Town Centre or any other town centre.
- On balance it is considered that 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 significant harm to neighbouring residential amenity.
- The proposed development is considered acceptable in its design and general appearance.
- Highway impacts would not be severe and there are no highway safety concerns.
- There are no material considerations which would warrant refusal of this application
- Should the Committee resolve to grant planning permission, the application will be referred to the Secretary of State in accordance with the relevant Consultation Direction (2021) due to the scale of out-of-centre retail development. The Secretary of State will inform officers whether the application will be called in for determination by him instead of the Local Planning Authority. Whilst the Local Planning Authority cannot grant planning permission for the application until a response has been received from the Secretary of State, or the expiry of 21 days following acknowledgement of the consultation, this does not prevent the Local Planning Authority from refusing the application or the committee resolving to grant planning permission. If the application is called in for determination by the Secretary of State, the resolution of the Committee will form the basis of the authority's submission.

4.0 Key planning issues

Issue	Conclusion
<p>Principle of Development</p> <p><i>Loss of Employment Potential (Key Employment Site)</i></p> <p><i>Sequential Test</i></p> <p><i>Impact Test</i></p>	<p>The application site is located within the defined development boundary for Weymouth.</p> <p>The proposed development has satisfied the sequential test.</p> <p>The proposed development would not lead to a significant adverse impact on Weymouth Town Centre or other town centre.</p> <p>On balance it is considered the benefits of the proposed scheme outweigh the loss of part of the key employment site.</p>
<p>Residential Amenity</p>	<p>Subject to conditions, the proposal would not have a significant adverse impact on neighbouring residential amenity.</p>
<p>Visual Amenity</p>	<p>The proposed development would not have an adverse impact on the visual amenities of the site or locality.</p>
<p>Highways and Parking</p>	<p>The proposed development is not considered to present a material harm to the transport network or to highway safety subject to conditions and a contribution towards sustainable transport measures.</p>
<p>Air Quality</p>	<p>Impacts are not considered to be significant.</p>

Flood Risk and Drainage	Lead Local Flood Authority has no objection subject to conditions.
Biodiversity	Biodiversity Plan agreed. The proposal would deliver a measurable biodiversity net gain.
Contamination	Acceptable subject to conditions.

5.0 Description of Site

5.1 The application site comprises 1.85ha of cleared undeveloped land within the Mount Pleasant Business Park / Weymouth Gateway. The site is bounded by: retail units and associated parking areas to the west; commercial units and a pedestrian/cycle route to the north; open space to the east; and residential properties to the south (along St Andrews Avenue). Between the southern site boundary and St Andrews Avenue is a tree lined bank.

5.2 The Mount Pleasant Business Park includes the New Look headquarter offices, Sainsbury's food store, Premier Inn, Aldi supermarket, Medisave building, Dunelm, B&M, McDonalds and Costa Coffee. Aldi and Sainsbury's formed Weymouth Gateway Phase 1 and the adjacent units of Dunelm, B&M, McDonalds and Costa Coffee formed Weymouth Gateway Phase 2. The site of the proposed development has planning permission for a retail unit (Phase 3A) and includes land identified for future employment use (Phase 3B).

5.3 Vehicle access is provided from the north west via Souter Way, off Mercery Road. Pedestrian and cycle access is via the east (Jurassic Cycle Route 4) which link to National Cycle Network (NCN) 26 to the north by the Veasta Roundabout.

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

6.0 Description of Development

6.1 The proposal is for a retail development comprising a 4,059sq.m (GIA) Class E(a) retail unit for the sale of food and non-food goods with associated car parking, cycle parking, hard and soft landscaping, infrastructure and associated works. The intended occupier is M&S.

6.2 The rectangular shaped retail warehouse building would be sited along the eastern perimeter of the site with a 234 space customer car park to the west. The building would be approximately 11m to parapet height and 12m to ridge height.

6.3 The design of the building has been amended over the course of determination in response to officer comments. The rear (east elevation) and parts of the site (north and south) elevations would be clad in vertical composite cladding panels of green/earthy tones. The lower part of the east elevation would be brick. The front (west) elevation and the remaining parts of the side elevations would be clad in white composite cladding with black ceramic tiles below (to a height of approximately 3.5m). The two customer entrances would be clad in green ceramic tiles. The lower part of the roof would be green.

6.4 A service yard enclosed by timber fencing is located to the rear of the unit. Access to the service yard would be via secure access gates and an extended service yard access road that links with the service yard access to B&M and Dunelm. Deliveries to the unit would be via the roller shutter within the east elevation of the building. Two plant equipment enclosures are proposed within the service yard, one to the east and one to the south. The fencing to the south east and south of the service yard and to the southern plant enclosure would be acoustic fencing to tie in with existing fencing at Phase 2.

6.5 Customer vehicle access to the unit would be off of Souter Way to the north and via the customer car park associated with Dunelm and B&M, to the west. Cycle and pedestrian access would be provided via the north, off of the existing pedestrian/cycle route, and via the customer car park associated with Dunelm and B&M. Two covered cycle stores each with five Sheffield stands are proposed, one to the north of the unit and the other adjacent to Dunelm.

6.6 The car park would include 10 EV charging spaces sited closer to the customer entrance. A border of soft landscaping would be provided along the west and north boundaries. Tree planting is proposed within the car park and to the east/west between Phase 2 and the entrance to the building.

7.0 Relevant Planning History

7.1 As noted above, the Weymouth Gateway Site has already been partly developed in two phases. Aldi (WP/18/00489) and Sainsbury's (WP/19/00778/FUL) formed Weymouth Gateway Phase 1 and the adjacent units of Dunelm, B&M, McDonalds and Costa Coffee formed Weymouth Gateway Phase 2 (P/VOC/2022/00471).

7.2 Under the planning permission for Phase 2, the site of the proposed development has planning permission for a retail unit 'Unit 4' (Phase 3A) and includes land identified for future Class-B employment use (Phase 3B). Approved Unit 4 comprises a 1,848sq.m retail with customer entrance and car parking to the north and service yard to the south.

7.3 Planning condition 2 of P/VOC/2022/00471 restricts the sale and display of goods to the following:

- *“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.”*

7.4 The units approved under P/VOC/2022/00471, with the exception of Unit 4 were opened in November 2022.

7.5 The site of the proposed development overlaps with the application site of P/VOC/2022/00471 and comprises the site of Unit 4 and the land identified for future Class-B employment use. The site has been levelled and made available for future development in accordance with planning condition 8 of P/VOC/2022/00471.

7.6 Pre-application advice has not been sought in relation to this current planning application.

7.7 The planning history is summarised below:

Table 7.1 – Planning History (Summary)

Application No.	Proposal	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.	Granted	29 August 2007
Weymouth Gateway Phase 1: Sainsbury's and wider masterplan			
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 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	Granted	18 July 2011

Weymouth Gateway Phase 1: Aldi			
WP/18/00489/FUL	Erection of discount food store (use class A1) with customer car parking, soft & hard landscaping & associated works.	Granted	18 March 2019
Weymouth Gateway Phase 2: B&M, Dunelm, Costa Coffee and McDonalds			
WP/19/00778/FUL	Erect retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks.	Granted	29 September 2021
P/NMA/2021/04264	Amendment to planning permission WP/19/00778/FUL - Minor alterations to approved elevations and additional door to east elevation.	Granted	3 December 2021
P/VOC/2022/00471	Erect retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks (Variation of condition 2 of planning approval WP/19/00778/FUL - Relocation of attenuation pond).	Granted	9 August 2022
P/NMA/2022/05670	Non material amendment to vary condition 21 and proposes the provision of 32 electric car charging spaces should be available within 3 years of occupation of Units 2 and 3. (Variation of condition 2 P/VOC/2022/00471 -Relocation of attenuation pond to planning approval WP/19/00778/FUL - Erect retail development	Granted	5 October 2022

	comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks).		
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8.0 List of Constraints

Within Defined Development Boundary

Key Employment Site; Mount Pleasant Business Park

Flood Zone 2 and 3 – along the eastern boundary of the site

Risk of Surface Water Flooding Extent 1 in 30 year (high risk) and 1 in 100 year (medium risk) – along the eastern boundary of the site (medium risk) and to the south of the proposed access (medium and high risk)

Tree Preservation Order (WPBC/209) – along southern boundary

Existing ecological network – majority of site

Higher Potential ecological network – northern portion of site

9.0 Consultations

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

Consultees

Natural England – No comments received.

Environment Agency

9.2 No objection subject to planning conditions (Construction Environmental Management Plan). The EA endorses the increased water efficiency for all new developments and notes the incorporation of water efficiency measures into the scheme will: contribute to climate change resilience; reduce abstraction pressure on water resources and riverine ecosystems; reduce the pressure on sewage infrastructure and treatment systems; and benefit future residents by reducing water bills. The EA recommends that all new non-residential developments of +1,000sq.m should meet BREEAM ‘Excellent’ standards for water consumption.

Highways Authority

9.3 The Highways Authority provided initial comments in March 2024. The comments requested a series of minor design changes and confirmed no objection subject to recommended conditions. In summary:

1. Highway modelling undertaken in relation to previously approved development (P/VOC/2022/00471) forms the ‘base’ trip generation to compare the proposals against;
2. Junctions would function well within capacity and residual cumulative highway impacts would not be severe;

3. Contribution towards setting up a cycle hire scheme at Weymouth Gateway requested. Comprising a parking bay space and 10 e-bikes;
4. Inclusive mobility and step-free access should be considered;
5. Electrical Vehicle (EV) charging should be provided closer to blue badge/parent and child spaces; and
6. Planning conditions recommended in relation to: manoeuvring, parking and loading areas; cycle parking scheme; Construction Traffic Management Plan; and Framework Travel Plan.

9.4 Subsequent comments in May 2024 noted:

1. Earlier comments in relation to inclusive mobility and EV charging points addressed;
2. A contribution towards a bike hire scheme is likely to be secured by way of a Section 106 Agreement, aligning with Dorset Council's policies and guidance for active travel; and
3. Updated Transport Assessment confirms highway impacts will not be severe in accordance with the NPPF. No further testing or mitigation is required by the applicant.

Highways Asset Manager – No comments received.

Public Transport

9.5 Note Section 106 contributions would be sought to improve the bus stop infrastructure around the development, including in relation to real-time bus departure screens.

Landscape

9.6 The initial response from the council's Landscape Officer objected to the proposals for a number of reasons, principally:

1. Visually dominant elevational treatment and poor relationship to the open countryside to the east, including through the proposed palette of materials;
2. Inadequate hard and soft landscape provision to satisfactorily assimilate the scale and massing of the development into the setting;
3. Inadequate links to the existing pedestrian and cycle network.

9.7 In addition, the Landscape Officer notes the use of permeable paving blocks is a positive measure and recommends additional tree planting to improve the legibility of the site and breaking up the mass of the building. The Landscape Officer also notes that pedestrian access through the car park could be improved.

9.8 Following consultation on revised proposals, the landscape officer advised they were happy with the changes to the materials palette noting the revised elevational treatment will significantly assist in the assimilation of the building into the edge of the site. Whilst the officer notes the soft landscaping remains a little disappointing, they confirm they are satisfied with the revised proposal subject to appropriate planning conditions.

Trees

9.9 Note key trees are the linear group along the southern boundary. The Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) are adequate. Support grant of planning permission subject to compliance with the AIA and TPP.

Natural Environment Team

9.10 Following submission of additional surveys, NET confirmed there will be no adverse impacts on any ecological receptors, subject to securing the mitigation and enhancement described in the Biodiversity Plan signed by NET on 28 February 2022 and the Ecological Impact Assessment dated 2019 which was submitted in support of Weymouth Gateway Phase 2.

Rights of Way Officer – No comments received.

Planning Policy

9.11 The Planning Policy Team identifies the main planning policy issues as: the location of the development; compatibility with the employment allocation; and the retail sequential test and impact assessments. Independent verification of the retail related conclusions within the Applicant's Planning and Retail Statement is recommended.

Lambert Smith Hampton (Retail Advisor)

9.12 Lambert Smith Hampton (LSH) was instructed by Dorset Council to provide an independent review of the proposed development against retail and town centre policy.

9.13 LSH provided initial consultation responses in March and July 2024 to which the applicant responded with updated retail analysis. LSH's final response of August 2024 advises, in summary:

1. The applicant has demonstrated compliance with the sequential test, provided the trade draw of the new store is focussed on Weymouth rather than the wider area.
2. Whilst the applicant's assessment is not fully agreed, LSH conclude that the proposed development would not have a significant adverse impact on the health, vitality and viability of Weymouth town centre. Impact is expected to be higher than applicant suggests in the submitted Retail Impact Assessment (RIA).
3. Taking into account the health of Dorchester town centre, the proposal would have a negative impact on the town centre but not one that can be considered to be significantly adverse.
4. Majority of convenience retail trade draw will come from other out of centre stores, particularly Sainsbury's and Morrisons stores within Weymouth Gateway.
5. Comparison retail trade draw would primarily be drawn from out-of-centre stores within Weymouth. The impact on these outlets is expected to be substantially higher than the applicant suggests (RIA Table 13). However, the forecast impacts on defined centres would not be expected to change significantly.

6. The proposals will have an adverse impact on a number of centres, including Weymouth and Dorchester town centres, Easton and Fortuneswell in Portland and the local/neighbourhood centres of Chickerell and Littlemoor. The impacts would not be significant and should be considered against any potential benefits of the development.
7. The proposals would not have a significant adverse impact on any individual local/neighbourhood centre (including Chickerell and Littlemoor) or investment to it (approved Littlemoor local centre).
8. On the basis of Levelling Up Funding (£19.5m confirmed in February 2024) going towards the Weymouth Bowl site rather than the more central New Bond Street/Commercial Road Area, the proposed development is expected to have a limited impact on known investment plans.
9. Should the Council be minded to approve the application, planning conditions are recommended to ensure that changes to the unit or offer that could alter the trade draw and subsequent impacts are not permitted without the appropriate scrutiny. Conditions recommended in relation to: total net retail sales area; comparison/convenience split; range of comparison goods; and limited sub-division to no more than two retail units.

Flood Risk Management (Lead Local Flood Authority)

9.14 Following an initial holding objection and review of further submissions by the applicant, the LLFA confirmed no objection subject to planning conditions related to surface water management and maintenance.

Environmental Health

9.15 Note the site lies in an area identified with historic potentially contaminative land uses (the Lodmoor North landfill site) and therefore recommend consultation with a suitably qualified expert to ensure the submitted Environmental and Geotechnical Site Investigation Report deals with the potential for contamination and to ensure the integrity of the capping is not compromised.

9.16 Comment on the Noise Assessment and proposed acoustic barrier and time restrictions to mitigate impacts on residential amenity. Recommend a construction method statement is provided to minimise adverse amenity impacts during the construction process, including from noise, vibration and dust.

Dorset Waste Team – No comments received

Public Health – No comments received

Economic Development and Tourism – No comments received

Building Control – No comments received

Licensing

9.17 Note a premises licence would be required for the sale of alcohol.

Dorset Fire & Rescue Service – No comments received

Dorset Police Architectural Liaison Officer – No comments received

Dorset Wildlife Trust – No comments received

Ramblers Association – No comments received

Bournemouth Water Ltd

9.18 Note the site is outside of Bournemouth Water's catchment area.

Wessex Water

9.19 Wessex Water (WW) initially objected on the grounds of conflict between WW's existing assets and the proposed retail unit and attenuation pond. Following review of the proposed diversion, WW confirmed no objection subject to conditions.

Weymouth Town Council

9.20 Weymouth Town Council fully support the proposal but would like to see further consideration for public transport links for around the town, Portland and active travel.

Ward Councillors – No comments received.

Representations received

9.21 In total, three third party responses have been received, one in support, one in objection, and one comment. In summary, the responses raise the following points:

Support:

- i. Proposal would improve retail choice and reduce the need to travel to M&S in Blandford or Yeovil.
- ii. M&S is a major draw for many towns and should be encouraged to stay in Weymouth.
- iii. The location closer to other retail stores would be good for shoppers and offer competition.
- iv. The site is well served by bus routes.

Comment:

- i. Restricted delivery times should be considered in the interests of residential amenity.
- ii. Concerns with increased noise and disturbance. Acoustic fencing should be high enough to reduce impacts. Advanced erection of acoustic fencing to mitigate construction noise impacts should be considered.
- iii. Trees between site and housing to the south are deciduous and don't provide screening during the winter months. Request that the area is planted with evergreen trees.
- iv. Since development of Phases 1 and 2 Weymouth Gateway residential gardens at St Andrews Avenue have been flooded by raw sewage and toilets have become unusable. Concerns development will exacerbate this issue.
- v. Traffic measures should be considered given existing congestion.

Objection:

- i. Proposal will take more business from the town centre.
- ii. Potential for increased surface water flooding.
- iii. Potential to exacerbate foul sewer flooding of residential gardens and overwhelm existing drainage system.
- iv. Concerns with noise and disturbance, increased traffic and light pollution.
- v. Landscaped bund between site and homes on St Andrews Avenue should be widened.

10.0 Duties

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape and sites of geological interest
- ENV2 - Wildlife and habitats
- 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

Material Considerations

Emerging Local Plans:

11.1 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

11.2 The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

National Planning Policy Framework

11.3 Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

11.4 Other relevant NPPF sections include:

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

Other material considerations

Joint Retail and Commercial Leisure Study, including Weymouth and Portland Borough Council (May 2018)

Dorset Retail and Leisure Study – 2022 Update (January 2023)

The Bournemouth, Dorset and Poole Workspace Strategy (October 2016)

Workspace Strategy Evidence Update: Employment Protection (January 2020)
Urban Design (2002)

Weymouth and Portland Landscape Character Assessment (2018)

Dorset Council Parking Standards Guidance

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction (December 2023).

12.0 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.

13.0 Public Sector Equalities Duty

13.1 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.

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

13.3 In the context of the above PSED, the proposal would provide conveniently located disabled parking and step free access to the store from the adjacent public right of way would be provided.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Construction jobs and associated benefits within supply chain	Unquantified
Permanent jobs	104 permanent full and part time jobs (66 full time equivalent (FTE)), of which 57 full and part time jobs (36FTE) are proposed to be retained and relocated from the existing M&S store in Weymouth Town Centre.
Gross Value Added (GVA)	Estimated to be £1.54m per annum

Non Material Considerations	
Business rates	In accordance with ratable value.
CIL Contributions	N/A – Development is not CIL liable.

15.0 Environmental Implications

15.1 The proposed retail unit would utilise a brownfield site that was levelled ready for redevelopment when the adjacent Phase 2 development was constructed.

15.2 The proposed retail unit would be served by a large car park and would generate additional vehicular movements and associated emissions from visitors and deliveries. 10 customer car parking spaces are identified for electric vehicles. The proposals also include cycle parking and the site would be served by existing public transport with bus stops on Mercery Road. A financial contribution towards the provision of an electric hire bike service would help to support active travel, increasing options to visit the site via non-car modes.

15.3 An Energy Strategy has been submitted as part of the application. The report identifies: the proposed fabric performance, utilising a fabric first approach with thermally efficient building fabric; high performance building services; provision of 200sq.m of solar photovoltaic (PV) panel. The PV panels are shown on the proposed drawings. The Energy Strategy estimates that the proposed measures would achieve a 28.12% reduction compared to Building Regulations and the energy generated by the PV panels would produce the equivalent of 30.81% of the site's energy demand.

15.4 The applicant proposes that the development would achieve BREEAM 'Very Good' including water credit WAT02 (water monitoring). This is proposed to be secured via planning condition. It is anticipated that BREEAM water credit WAT03 (water leak detection) would also be achieved. Given water credits related to consumption (WAT01) and water efficient equipment (WAT04) are dependent on tenant internal fit out, achievement of those credits to BREEAM 'Excellent' standard are encouraged via an informative.

15.5 Overall, the proposed sustainability measures would achieve a high standard of environmental performance in accordance with Policy ENV13 of the Local Plan.

16.0 Planning Assessment

Principle of Development

16.1 The following sections assess the main matters of principle related to:

1. General location of development
2. Compatibility with the site's employment allocation
3. Retail sequential test
4. Retail impact

General Location of Development

16.2 The application site is located within the defined development boundary (DDB) of 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 being located within the DDB for Weymouth and in close proximity to a bus route.

16.3 The site also formed part of a historic permission for employment-led redevelopment of the Weymouth Gateway site granted in July 2011 (11/00096/HYBE) and, more recently, the 2021 and 2022 detailed permissions (WP/19/00778/FUL and P/VOC/2022/00471) for retail-led redevelopment of land to the south of Souter Way and east of Mercery Road, known as Phase 2 Weymouth Gateway, now occupied by Dunelm, B&M, McDonalds and Costa Coffee.

16.4 The principle of developing the site is fully established.

Compatibility with Employment Allocation

16.5 The application site is located within the key employment site, Mount Pleasant covered by the Local Plan Policy ECON2. Within key employment sites traditional B-class employment uses comprising light industrial, general industrial and storage and distribution uses are supported. Part ii) of the policy allows for non B-class employment uses which provide on-site supporting facilities or demonstrate that there is an economic enhancement over B-class uses. Part iii) of the policy states that “*retail uses will not generally be supported*” on key employment sites.

16.6 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. The supporting text also acknowledges (at Para. 4.3.5) that there may be circumstances where alternative uses may be considered where there is no reasonable prospect of an employment site being used for employment purposes. In such cases, the supporting text notes that information justifying the alternative use will be required, including details of how the site has been marketed and what other suitable, viable, alternative sites are available locally for employment uses. The supporting text goes on to note the Council will require applicants to demonstrate that real effort has been undertaken to achieve employment uses on the site.

16.7 The Planning Policy Team were consulted on the application and raised concern noting that the council’s evidence indicates that the land allocated for employment purposes at Mount Pleasant Business Park is still needed for these purposes and that the sites at the Park remain suitable for employment use.

16.8 As summarised in the planning history section of this report, the site has a long history of redevelopment proposals and there have been multiple planning applications for redevelopment of the site and surrounding area.

16.9 Hybrid planning permission for the employment-led redevelopment of the Weymouth Gateway site was granted in July 2011 (11/00096/HYBE). The application site together with adjacent land to the east of Mercery Road and south of Souter Way was identified within the ‘office and employment zone’ of the masterplan.

16.10 Detailed planning permission on the opposite (west) side of Mercery Road to the application site was approved for the erection of an Aldi foodstore in 2019 (WP/18/00489/FUL). The site also falls within the key employment site and a more flexible approach was considered appropriate in assessment of the application given:

the historical lack of interest in the site from prospective B-class occupiers; the site's surrounding uses; and the net job creation of some 15-20 jobs from the creation of the larger Aldi store on the site.

16.11 Detailed planning permission for the erection of five retail, restaurant and takeaway units on part of the application site and land to the west was approved in 2021 (WP/19/00778/FUL). With the exception of the application site, the site has been redeveloped and the units were occupied in November 2022. The units are currently occupied by Dunelm, Pets at Home, B&M, McDonalds and Costa Coffee.

16.12 The site of the proposed M&S Store incorporates the site of Unit 4 granted planning permission under WP/19/00778/FUL and the adjacent parcel of land to the east which was identified as a future Class-B based employment development plot on the approved drawings. Planning condition 9 of that permission required that the site *"be left in a ready state including remediation and levelling of the site, provision of the access from Souter Way and installation of fencing to secure the site within 3 months of Units 2 and 3 being brought into first use."* In accordance with this condition, the site has been remediated, levelled and access has been provided.

16.13 The Applicant's Planning and Retail Statement confirms that a marketing exercise has been undertaken, further details of which have been supplied to the council during the determination of the application.

16.14 Despite the application site being cleared for development no B-class employment use has come forward for the site despite the principle for the development having been established through the approved application and the site having been made available for the development. Within the wider Gateway site, only a small quantum of B-class employment exists – the employment units to the east of the New Look offices and the Medisave Building to the south of Sainsbury's.

16.15 The proposal seeks planning permission for construction of a Class E (a) retail unit for the sale of food and non-food goods. The proposed use is for retail development and not B-class employment, as envisaged at the time of the original hybrid application and promoted via the Local Plan.

16.16 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"*. The application would provide direct, ongoing local employment opportunities. As part of the application the Applicant has estimated the economic benefits of the proposal. These include:

1. 57 retained part time and full time jobs (36 full time equivalent jobs) from the relocation of existing employees at the Weymouth M&S;
2. 47 new jobs (30 FTE jobs); and
3. £1.54m per annual in Gross Value Added (GVA) to the local economy.

16.17 In addition, it is also recognised that the development would support a range of construction jobs during the construction stage of development and there would be wider benefits in supply chains during both construction and operation of the development.

16.18 Whilst the applicant has not demonstrated that the benefits would be greater than (former) Class B1 and/or Class B2/B8 development, in conflict with part ii of

Policy ECON2, the lack of interest for employment use is a material consideration. The economic benefits generated by the proposal would be significant

16.19 Of relevance to employment matters, 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 in December 2020 and include the provision of 7.95ha of employment land. No Reserved Matters have yet been submitted in relation to the employment element.

16.20 Given the above factors of the approved Aldi supermarket and adjacent retail-led phase, 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 would outweigh the loss of the key employment site in this case despite conflict with Policy ECON2 of the Local Plan.

Sequential Test

16.21 The proposed development is for out of centre retail development and therefore Local Plan Policy ECON4 is applicable.

16.22 Policy ECON 4 requires a sequential approach to be taken for applications that involve new retail and town centre uses. Para. 91 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.*” The proposed development is for a 4,059sq.m retail store in an out-of-centre location. Accordingly, the submitted Planning and Retail Assessment includes a sequential test and impact assessment.

16.23 The proposed unit is intended to be occupied by M&S. The Planning and Retail Assessment clarifies that the current proposals for M&S’ national estate strategy is to modernise its retail and shopping offer. As part of this, M&S proposes to close 60 stores which have been assessed as no longer meeting retailer and customer expectations. The existing M&S store at St Mary’s Street, Weymouth, is one of these stores. It has a floorspace of 920sq.m. The applicant’s Planning and Retail Assessment confirms that this existing store will close even in the event that the current planning application is refused. The existing lease is noted to run out in 2027. It is noted that M&S has also closed stores in Dorchester (2020) and Poole (2022) in recent years.

16.24 The M&S Operator Statement appended to the Planning and Retail Assessment explains M&S’ business strategy focussing on M&S Foodhall in smaller markets and department store style ‘full-line’ offering comprising clothing, homewares, food and café. The Operator Statement identifies that M&S has 36 new or relocated full-line department store requirements and over 235 new Foodhall requirements across the UK. New full-line stores opened since the Covid-19 pandemic include: Thurrock (12,015sq.m), Leeds White Rose (7,210sq.m), Birmingham Bull Ring (6,245sq.m), Liverpool One (6,228sq.m), and Purley Way (3,545sq.m). The Purley Way store is broadly comparable to the proposed development.

16.25 The sequential assessment within the applicant’s Planning and Retail Assessment considers potential sequentially preferable sites within Weymouth. It reviews three larger vacant sites within Weymouth Town Centre and 15 development

sites identified as part of the Council's Joint Retail and Commercial Leisure Study (2018) and Retail Study Update (2022). The sequential assessment concludes that there are no sequentially preferable sites to accommodate the proposed development.

16.26 The Council's Planning Policy Team note the sequential test results set out within the applicant's Planning and Retail Assessment should be independently reviewed by a retail consultant. They recommend that the sequential test is reviewed to consider whether other sequentially preferable sites within other nearby town centres within the catchment area of the development need to be considered.

16.27 Lambert Smith Hampton (LSH) were instructed by the Council to undertake an independent assessment of the proposal to consider compliance with retail planning policy. LSH's initial assessment found that the applicant's sequential assessment was incomplete in that it had failed to consider possible edge of centre sites that could be sequentially preferable. LSH requested further information over the course of determination, including in relation to the former Currys retail unit which was vacated at the Jubilee Close Retail Park on 1 March 2024. The requested information was subsequently provided by the applicant.

16.28 As part of LSH' review, it considered:

- Weymouth provides an appropriate area of search based on the anticipated retail impact of the proposal;
- The minimum size of unit that should be considered as suitable would be one of around 3,500sq.m gross, given it is consistent with recent M&S full-line developments elsewhere;
- None of the existing units within Weymouth Town centre are of sufficient size to meet the M&S requirements; and
- The allocated development sites are unlikely to be suitable for the proposed use, although an allocation for an alternative use is not a sufficient reason to dismiss a site in isolation.

16.29 The applicant's further submissions provided the requested information on the former Currys site and also considered other sites owned by Dorset Council, including the Gasholder site on Westwey Road. In respect of the former Currys unit, marketing particulars show that the unit extends to 931sq.m at ground floor. The applicant notes that even with a full cover mezzanine floor, the maximum floorspace would not exceed 1,862sq.m (significantly below the minimum required unit size of 3,500sq.m). This consideration complies with the NPPF (Para. 92) in demonstrating appropriate flexibility on format and scale in assessing the potential of the unit.

16.30 LSH advise that, providing that there are no other sequentially preferable sites that have not been assessed, the applicant has demonstrated that there are no sequentially preferable and suitable sites available within or on the edge of Weymouth Town Centre. Officers are not aware of any other potentially sequentially preferable sites.

16.31 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 and the NPPF.

Impact Test

16.32 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 1,000sq.m floorspace in locations outside of town centre areas will be required to submit an impact assessment. This is supported in para 94 of the NPPF. The submitted Planning and Retail Assessment includes an impact assessment of the proposed development on town centres, principally Weymouth Town Centre.

16.33 The Planning and Retail Assessment explains that M&S, the intended occupier, proposes to operate a full-line store from the 4,059sq.m unit. This would comprise the operator’s Foodhall range, as well as home, clothing (including footwear) and beauty offer.

16.34 Planning Policy commented that the impact test should be independently verified by retail planning consultants. Planning Policy note that their biggest concern is that should the planning application be approved, the named applicant could potentially walk away from the site and another retailer takes this site forward instead. As the new retailer’s proposal would not have been independently assessed for its potential impact, the assessment of the proposal should include appropriate sensitivity analysis and planning conditions to ensure that any changes would avoid a significant adverse impact on town centres.

16.35 Of relevance to the impact assessment, the site of the proposed development has extant planning permission for another retail unit (Unit 4) which was approved as part of Weymouth Gateway Phase 2 development (P/VOC/2022/00471). The approved unit is 1,848sq.m (GIA). The planning permission includes a restrictive condition (No. 4) on the sale of goods from Unit 4, as follows:

“Unit 4 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 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.”

16.36 By comparison with approved Unit 4, the proposed development seeks to both increase the amount of retail floorspace (1,848sq.m to 4,059sq.m, +2,211sq.m) and expand the range of goods that can be sold (to include food, home, clothing (including footwear) and beauty products).

16.37 The applicant's Planning and Retail Assessment assesses the impact of the development assuming a M&S Foodhall (convenience) net sales floorspace of 1,406sq.m and home and clothing (comparison) net sales floorspace of 1,817sq.m. Whilst the application site has extant permission for Unit 4, the applicant's assessment undertakes an assessment on a standalone basis, with the proposal assessing the impact of the full floorspace rather than the uplift in floorspace between approved Unit 4 and the proposed development. The turnover and resultant trade draw estimated by the applicant has been informed by M&S' turnover at other stores and Experian data. The applicant's analysis concludes that the development would have an adverse impact on a number of centres across Dorset. Those with a combined (convenience and comparison) impact of greater than 1% are summarised in the table below:

Table 16.1 – Applicant Assessment of Retail Impacts (Summary)

Centre	Impact of development (2026)		
	Convenience	Comparison	Combined
Weymouth & Portland			
Weymouth Town Centre	4.01%	0.89%	1.13%
Portland, Easton	4.84%	3.41%	4.53%
Portland, Fortuneswell	0.81%	3.78%	1.11%
All Smaller Villages / Local Centres	3.48%	1.54%	2.52%
All Out-of-Centre	5.25%	3.22%	4.55%
West Dorset Area			
Dorchester	3.55%	0.65%	1.30%
Sherborne	3.62%	0.28%	1.26%
All Out-Of-Centre	1.52%	2.45%	1.64%

16.38 LSH were also instructed to consider the impact assessment as part of their retail assessment. Further information and an addendum were submitted in response to the comments of LSH. LSH's final response, concludes that the trade draw from outlets in the Weymouth area will be higher than suggested by the applicant given LSH consider that the turnover of the proposed store is likely to be greater than suggested in the submitted Planning and Retail Assessment and trade draw will be more localised. Nevertheless, LSH conclude that the development would not have a significant adverse impact on any defined centres in the area, either in terms of the impact on town centre vitality and viability or investment.

16.39 LSH consider the main convenience sales trade draw will come from other out of centre stores, particularly Sainsbury's and Morrisons within Weymouth Gateway. On this basis, LSH conclude that the impact on defined centres, including

Weymouth, Dorchester and other local centres would not change significantly from that concluded by the applicant even if the proposed development drew more trade from nearby out of centre convenience retail stores. Similarly, LSH consider additional comparison trade draw would be derived from out of centre stores.

16.40 Overall, LSH identify that the proposals would have an adverse impact on a number of centres, including Weymouth, Dorchester, Easton and Fortuneswell and the local centres of Chickerell and Littlemoor. Given the retail impact of the proposal has been assessed on the basis of a full-line M&S, planning conditions are recommended in order to safeguard the retail impact of the development should the development not be occupied by M&S. LSH note that an increase in the health and beauty offer could result in a significant adverse impact on Weymouth town centre and/or the local centres in the immediate vicinity; wherein pharmacies play an important role in supporting vitality and viability.

16.41 In respect of the impact of the proposed development on existing, committed and planned public and private investment into town centres, Dorset Council has secured £19.5 million of Levelling Up Funding. The successful bid focusses on three key sites in Weymouth: the Peninsula; North Quay; and originally the town centre. The Council subsequently asked the Ministry of Housing, Communities and Local Government (MHCLG) for permission to re-allocate funding originally intended for the town centre, to the Weymouth Bowl site. The main focus of the work includes:

- installation of utility infrastructure and repairs to the harbour walls at the Peninsula and North Quay which will allow proposals from private investors for new residential, commercial and leisure to be invited;
- the business case for the harbour wall repairs is based on bringing work forward by 10 years, so redevelopment can happen sooner; and
- the Weymouth Bowl site and land acquisition on the west side of the marina, known as West Marina Sites (Westway Road/ Newstead Road).

16.42 There are several outcomes that Dorset Council aims to achieve through the projects, including: the creation or improvement of hospitality space; the provision of new residential units; the creation or improvement of public spaces; and the creation of retail space. However, given the scale of the proposed development, the proposal is not considered to have a significant adverse impact on planned investment into Weymouth through Levelling Up Funding given it would not compete directly with the type of development sought.

16.43 Given the above it is considered that the proposed development, subject to conditions controlling the maximum floorspace, range of goods that can be sold and subdivision (limited to two units) would not lead to a significant adverse impact on Weymouth Town Centre or other centre. The proposal therefore complies with criteria iv) of Local Plan Policy ECON 4 and the NPPF.

Residential Amenity

16.44 The closest residential properties to the site are located along St Andrews Avenue. The rear gardens of the closest properties are approximately 16.5m from the southern boundary of the application site. They are separated from the site by an intervening bank of trees.

Overbearing impact, overlooking, privacy, daylight, sunlight and overshadowing

16.45 The retail unit 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, the gardens of the neighbouring properties also provide further separation of the rear of the houses from the boundary. Given this, the proposed development is not considered to result in overlooking, loss of privacy or an adverse overbearing impact on the neighbouring residential properties.

16.46 Due to the location of the building northwest of residential properties, with sufficient separation, any daylight, sunlight and overshadowing impacts would be negligible.

Noise impacts

16.47 The Planning Permission for Weymouth Gateway Phase 2 (P/VOC/2022/00471) included a 1,848sq.m retail unit (Unit 4) adjacent to Dunelm and land identified for future class-B Based employment development to the east of Unit 4. The approved drawings show Unit 4 would have been served by a rear service yard in a similar way to the existing retail units. As noted above, Unit 4 has not been constructed and the proposed retail store is located on the site of approved Unit 4 and the land identified for employment use.

16.48 The Phase 2 planning permission include noise related planning conditions in relation to:

- Fixed plant and machinery (Condition 11)
- Noise barrier/acoustic fencing (Condition 12)
- Service Yard Management Plan (Condition 13)

16.49 The proposed development adopts a similar approach to that established by Weymouth Gateway Phase 2. The service yard for the proposed retail unit is proposed to wrap around the southern and eastern sides of the unit. Delivery vehicles would access the service yard via Mercery Road, Souter Way and the existing shared service yard access to the east of Dunelm. Loading/unloading would take place via a roller shutter door on the eastern elevation (rear) of the unit. Two plant enclosures are proposed within the service yard, one to the east of the unit and one to the south adjacent to the service yard turning circle. The southern boundary of the southern plant enclosure is also proposed to be bound by a 2.7m high acoustic fence. A 4m acoustic fence is also proposed along the boundary of the service yard adjacent to nearby residential properties. This would link with the existing acoustic fence to the south of the Phase 2 units.

16.50 The Environmental Noise Assessment submitted with the application considers noise impacts from: fixed plant/machinery; servicing activity; and car parking activity. It assesses baseline noise levels from a location within the site.

Fixed plant and machinery

16.51 As fixed plant/machinery would be specified by the occupier, the Environmental Noise Assessment seeks to establish appropriate parameters for plant noise limits so that significant adverse noise impacts are avoided. Accordingly, it is proposed that plant rating levels do not exceed baseline daytime (43dB) and nighttime (35dB) noise levels at the closest noise sensitive facade.

16.52 The Council's Environmental Health Officer has reviewed the proposal and confirms that the parameters established by the Assessment are appropriate and should be conditioned. The proposed condition requires details of plant to be submitted and approved prior to operation.

Servicing activity

16.53 The Environmental Noise Assessment assesses the anticipated worst case noise impacts from servicing the unit in relation to the closest noise sensitive façade. Noise levels are expected to be 39 dB *LAeqT* during the daytime and 41 dB *LAeqT* during the nighttime (below WHO daytime (55dB *LAeqT*) and nighttime (45 dB *LAm_{ax}*) guidelines) and maximum noise levels from the arrival, unloading and departure of vehicles are predicted to be well below WHO guidelines (54 dB *LAm_{ax}* vs. 60 dB *LAm_{ax}*). The Assessment concludes that the noise levels would not be significant and justify deliveries between 0600 and 2300hrs.

16.54 The Council's Environmental Health Officer considers that the proposed noise attenuation measures are appropriate and recommends conditions related to delivery vehicles in line with the Assessment. A Service Management Plan condition is also proposed in line with the Phase 2 permission. This would assist in keeping delivery noise levels to a minimum.

Car parking activity

16.55 The closest car parking spaces are approximately 28m from the boundaries of residential properties along St Andrews Avenue. The noise impacts from the slamming of car doors is assessed in the Environmental Noise Assessment and found to generate a maximum noise level of 43dB *LAm_{ax}*. Given this level is below the WHO daytime (55dB *LAeqT*) and nighttime (45 dB *LAm_{ax}*) guidelines, restricted trading hours are not considered to be justified.

Construction noise

16.56 Construction also has potential to cause adverse residential amenity impacts. Through an appropriately worded planning condition, noise impacts during construction would not have a significant adverse impact on residential amenity.

16.57 Objectors raise concern with increased noise and disturbance, request that the acoustic fencing is high enough to reduce impacts and is erected at an early stage in order to mitigate construction noise impacts. The proposed conditions requires that the acoustic fencing is erected prior to any development above damp proof course level. It would therefore provide some mitigation to construction noise.

16.58 Overall, subject to planning conditions (in respect of: acoustic fencing; fixed plant/machinery; delivery hours; Service Management Plan; and Construction Management Plan) the proposed development is not considered to give rise to significant adverse impacts on residential amenity. The proposal therefore complies with Local Plan Policy ENV16.

Visual Amenity

16.59 The site, although currently undeveloped does form part of the wider Weymouth Gateway Site and Mount Pleasant Business Park.

16.60 The application site is an undeveloped parcel of land that has been vacant for many years. As a designated key employment site, it has been considered previously for development. It was cleared as part of the adjacent Phase 2 Weymouth Gateway development. This included planning permission for redevelopment of the application site to provide a retail unit (Unit 4), adjacent to Dunelm, together with land to the east identified for future employment development.

16.61 The approved design of Unit 4 aligned with the design of adjacent units; fronting north onto the car park with full height glazing framed with an external feature canopy. The approved facing materials comprised pale grey/buff facing brick to lower levels/around the entrance, off-white composite panels to upper levels and a composite white roof. Vertical emphasis was provided around the entrance of the building. The approved building had a height of approximately 9m to parapet and 11m to ridge.

16.62 The proposed retail unit has been designed to face inward (west) towards the wider retail park with the rear elevation and service yard facing east towards the open space. It has a height of approximately 11m to parapet and 12m to ridge, taller than approved Unit 4 and the adjacent retail units. The design of the building has been amended over the course of determination in response to officer comments and to include a store to the rear of the building.

16.63 As originally submitted, the proposed development included white composite cladding to all elevations of the building. The Landscape Officer raised concerns with this approach, principally due to the adverse impact of the building on visual amenity when viewed from the open space to the east. The Landscape Officer considered the white panelled elevations to be stark, with the pale roof exacerbating the massing of the building.

16.64 The revised proposal has addressed this through revisions to the colour of composite cladding and the roof. The rear (east elevation) and parts of the side (north and south) elevations are proposed to be clad in vertical composite cladding panels of green/earthy tones, including: khaki green, willow green, cream and mushroom. The front (west) elevation and the remaining parts of the side elevations would be clad in white composite cladding with black ceramic tiles below (to a height of approximately 3.5m). The two customer entrances would be clad in green ceramic tiles and a large proportion of the west elevation would be glazed at a lower level. The roof would be khaki green.

16.65 The revised proposal represents a significant improvement to the design that was originally submitted. The use of coloured cladding panels will present a more sensitive edge to the open space to the east and assist in assimilating what is a relatively tall and lengthy (approximately 85m) building with the surrounding context. The design measures are considered to be appropriate to moderate the visual impact of the development. Subject to securing the external materials by planning condition, the proposal would not have a significant adverse affect on the character or visual quality of the local landscape in accordance with Policy ENV1 of the Local Plan.

16.66 The proposal has been designed to face the public realm of the proposed car park and integrate with the adjacent Souter Road and pedestrian/cycle route (to the north). The site would be viewed and experienced in relation to the existing development of the business park, principally Phase 2 (to the west) and also the

wider retail park comprising the Medisave building and Sainsbury's to the west, ambulance station and New Look building with larger areas of associated car parking to the north. The business park is currently visible from the pedestrian and cycle route to the east of the site across intervening trees. The rear elevation would obscure medium-to-longer views to the west, towards the business park and the building would terminate views toward the site from Mercery Road. Overall, the development would provide an appropriate interface to the north, south and west.

16.67 The tree lined bank to the south provides separation from the neighbouring residential properties behind and the orientation of the proposed development means the proposal would be viewed in the context of the business park with which it is sympathetic. Whilst the proposed retail unit is taller than the adjacent retail units, the building is positioned further north at greater distance (approximately 48m) from adjacent residential properties compared to the adjacent retail units (approximately 30m). The size, design and layout of the development is considered to be in keeping with the design of the business park.

16.68 A landscaping plan has been 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. The landscaping has been amended over the course of determination to break up the long runs of car parking. Whilst additional planting would have been beneficial, overall, the proposed landscaping would soften the proposed development, appropriately integrate the site with the wider business park and enhance the setting of the site. The development would therefore maintain local identity and enhance it through provision of planting along the pedestrian/cycle route to the north. Planning conditions in respect of hard and soft landscaping details are proposed in order to secure the detailed design of the landscaping.

16.69 As the site is cleared, no trees would be removed to facilitate the proposed development. Existing trees to the south and east of the site would be protected during the construction period. An appropriately worded condition is proposed in respect of tree protection measures.

16.70 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 ENV1, ENV10 and ENV12.

Highways and Parking

16.71 The Transport Assessment (TA) submitted by the applicant considers the likely impact of the development traffic upon the highway network. It assesses the key junctions at which the traffic flows are dispersed into the network and provides a prediction of new trips that are likely to be on the network, allowing for existing trips.

16.72 The TA explains that the transport modelling underpinning the approved Weymouth Gateway Phase 2 development tested a range of scenarios. The TA for the approved Phase 2 development tested an earlier iteration of the approved development comprising a 4,077sq.m GEA non-food retail unit (Unit 4) and a 2,460sq.m GEA DIY store without garden centre (Unit 5). This is referred to as the 'tested' traffic levels within the TA submitted with the current application. The approved Phase 2 development of a 1,952sq.m GEA / 1,858sq.m GIA non-food retail

unit (Unit 4) and future class-B employment was justified on the basis of impacts being significantly lower than the tested scenario, which was found to be acceptable.

16.73 The TA explains how car parking data for the Phase 2 development gathered over 10 months between December 2022 and September 2023 when the site was fully operational has been utilised to test the accuracy of pre-development trip estimates. The data reveals average peak two-way trips at 11:00-12:00 on weekdays (374 two-way trips) and weekends (525 two-way trips). The comparison shows the estimates were accurate, being within 10% of the actual traffic levels recorded on site. The data has therefore been used to inform the trip generation of the proposed development.

16.74 The applicant's assessment of trip generation estimates there will be +56 additional two-way primary (new and transferred) trips during network peak periods compared to the consented development. The Highways Authority notes there would be no more than 30 two-way trips in the peak hour, indicating the highway impacts would not be severe. The Highways Authority find this acceptable and note that all tested junctions are found to operate within capacity.

16.75 In terms of parking, sufficient car parking is provided including accessible bays and EV charging (exact number to be provided in accordance with Building Regulations). Two customer cycle stores are proposed, each with capacity for 10 bikes. Both stores would be covered and would be conveniently located for visitors. The applicant has amended the pedestrian/cycle access to the north of the site to provide ramped access from the adjacent pedestrian/cycle path. The revised proposal will encourage active travel and supports step-free access to the site, thereby supporting customers on bikes or with buggies or mobility issues. Within the service yard an additional cycle store with capacity for 10 bikes is proposed for staff cycle parking.

16.76 The application includes a Framework Travel Plan (FTP), which is based on the Overarching Framework Travel Plan (OFTP) adopted for the site. The final Travel Plan would seek to encourage visits to the site via non-car modes and seeks to reduce single occupancy vehicle trips by 10%, with modal shift to more sustainable modes of travel. A final Travel Plan based on the FTP is proposed to be secured via planning condition in order to seek to reduce car journeys.

16.77 As part of the approved Phase 2 development, a financial contribution of approximately £144k was required to support sustainable transport improvements, notably improvements to works at the Mercery Road / Dorchester Road signal junction to tackle the increased primary trips associated with the development and support trips by active travel. The Highways Authority notes that the Council is keen to work to secure improvements in active travel and that Weymouth Gateway is a key opportunity for promoting further cycle trips using the local cycle network, including Jurassic Cycle Route 4 and National Cycle Network Route 26. A contribution towards establishing a cycle hire scheme has been requested based on the provision of 10 parking bays and 10 e-bikes.

16.78 The applicant's highways response (dated 2 May 2024) notes Beryl (the intended operator of the cycle hire scheme) recommends a total of 10 geofenced parking bays for larger developments and that additional e-bikes are funded by larger developments. Bays are priced at £500 and e-bikes are priced at £2,600. In the absence of a formula for calculating the need for additional e-bikes, the applicant

considers that two additional Beryl e-bikes are justified. This is based on the targeted increase in cycling trips by 2-trips during the Saturday peak.

16.79 Officers consider that funding towards the provision of 10 bays and two e-bikes is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, a contribution of £10,200 is sought via a S106 Agreement.

16.80 Overall, 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.

Air Quality

16.81 The Air Quality Assessment submitted with the application considers air quality impacts in relation to construction impacts and during the operation of the development (i.e. associated vehicle movements).

16.82 As confirmed by the Council's Environmental Health Officer, construction impacts can be appropriately controlled via a Construction Management Plan condition requiring details of dust suppression measures. Impacts of NO², PM¹⁰ and PM^{2.5} during the operation of development are not considered to give rise to significant impacts and the development is considered to be acceptable in respect of air quality matters.

Flood Risk and Drainage

16.83 The majority of the application site is within flood zone 1 however part of the site along the eastern boundary falls within flood zone 2 and 3. These areas are associated with breach conditions of the Preston Road tidal flood defences at Weymouth Bay. The site falls outside of the functional floodplain (Flood Zone 3b). Areas of the site are also at high (1 in 30 year) and medium (1 in 100 year) risk of surface water flooding along the eastern boundary of the site (medium risk) and to the south of the proposed access (medium and high risk).

16.84 As part of the determination of the planning application for Phase 2 Weymouth Gateway, the EA confirmed that the flood zones contained within the flood mapping are tidal and would therefore not be advising that the site is within the functional floodplain (flood zone 3b) or seeking floodplain compensatory storage for the development. The Level 1 Strategic Flood Risk Assessment (SFRA) published by Dorset Council in March 2024 confirms the site does not fall within the functional floodplain and does not materially change the understanding of flood risk within the site since the planning application for Phase 2 was determined.

16.85 As a retail development, the proposed development falls within the 'less vulnerable' flood risk vulnerability classification. Such development is identified as being compatible within flood zones 1, 2 and 3a. Given the presence of flood defences, the site has an equivalent risk of a site within flood zone 1. Accordingly, no mitigation is necessary in respect of tidal or river flooding and the sequential and

exception tests are not required to be applied. The Environment Agency has no objection.

16.86 In relation to surface water flood risk, the LLFA has reviewed the supporting Drainage Strategy submitted with the application and the Strategy has been updated in response to comments from the LLFA. The Strategy confirms the surface water drainage would be provided in the subbase of the permeable paving within the car park and within the attenuation pond approved as part of the Phase 2 Weymouth Gateway development. Subject to planning conditions requiring the detailed surface water management scheme and details of maintenance and management, the LLFA has no objection.

16.87 Subject to planning conditions, the proposed development complies with Local Plan Policy ENV5.

Biodiversity

16.88 The site has been cleared ready for redevelopment in accordance with the Weymouth Gateway Phase 2 permission. Accordingly, the site has very limited ecological value.

16.89 The proposed development would result in the vast majority of the site being covered in hardstanding. Trees are proposed along the boundary of the car park and native scrub planting and trees are proposed to the north west along the existing pedestrian/cycle route.

16.90 The extent of building development does not exceed what was anticipated as part of the Phase 2 Weymouth Gateway Development. Accordingly, the biodiversity enhancement measures contained within the certified Biodiversity Plan are still relevant, subject to updated surveys which have been provided and reviewed by the Council's Natural Environment Team. Subject to securing the biodiversity enhancement measures via condition, the proposed development would result in a net gain in biodiversity (note: development is not required to demonstrate 10% biodiversity net gain as the application was submitted before the mandatory BNG came into effect).

16.91 As the external lighting of the scheme ties into biodiversity a condition would be placed on any approval for a detailed lighting scheme informed by the submitted External Lighting Report to be submitted and approved.

16.92 The Air Quality Assessment submitted with the application considers air quality impacts on Lodmoor and Lorton SSSI, Radipole Community Woodland and Radipole SSSI. It identifies that the development would result in elevated nitrogen oxides (NOx) at Radipole SSSI due to changes in traffic movements associated with the development, albeit overall impacts would be negligible.

16.93 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

16.94 As part of the earlier development phase, a Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report covering the entirety of the Phase 2 site were submitted and consulted upon. Planning conditions in respect of contamination under P/VOC/2022/00471 were subsequently discharged following the confirmation that no remediation was required. Accordingly, a planning condition in respect of unexpected contamination is considered necessary and the proposed development is considered acceptable in relation to contamination under Local Plan Policy ENV9 subject to this condition.

Other Matters:

Utilities

16.95 A foul sewer passes through the application site. The existing route of the foul sewer was agreed through a diversion as part of the Phase 2 development to align with the approved footprint of Unit 4. The proposed footprint of the retail development conflicts with the foul sewer route. Accordingly, a further diversion is necessary to ensure the statutory undertakers rights are not compromised. This is proposed to be secured via a pre-commencement planning condition and an informative is suggested to advise the developer of the need to agree the route with the undertaker.

16.96 Third party comments raise concern with sewer capacity. However, Wessex Water confirms there is sufficient capacity to accommodate the development.

16.97 With an appropriately worded condition in respect of the necessary sewer diversion, the development is considered acceptable in relation to utilities.

17.0 Conclusion

17.1 The proposed development involves the construction of a 4,059sq.m (GIA) Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, landscaping, infrastructure and associated works. The intended occupier is M&S.

17.2 The site is located at Weymouth Gateway, an established multi-phase out-of-centre retail park which includes: Aldi and Sainsbury's (Phase 1); and the adjacent units occupied by Dunelm, B&M, McDonalds and Costa Coffee (Phase 2).

17.3 The application site forms part of the Weymouth Gateway Phase 2 site. As part of the planning permission (P/VOC/2022/00471), the application site has permission for a retail unit 'Unit 4' (Phase 3A) and includes land identified for future Class-B employment use (Phase 3B). Since planning permission was granted, the site has been cleared and remediated. Unit 4 has not been constructed and an occupier for the employment land has not been identified by the applicant.

17.4 The proposed development has satisfied the retail sequential test and subject to conditions would not lead to a significant adverse impact on Weymouth Town Centre or other designed centres. It is therefore considered to comply with Local Plan Policy ECON4.

17.5 The application site forms part of a key employment site which has largely been redeveloped for retail development. The proposed development would result in retail development of the site and therefore the loss of part of the key employment site. However, on balance, and noting the site has remained vacant for many years, it is considered that the economic benefits of the scheme would outweigh the loss of part of the key employment site in this case.

17.6 The proposed development is considered acceptable subject to conditions in relation to residential amenity, visual amenity, highways, flooding and drainage, biodiversity, air quality and contamination.

17.7 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 provisions 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.

it will be referred to the Secretary of State (SoS) to give the SoS an opportunity to consider whether to exercise call-in powers under Section 77.

18.0 Recommendation

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Sustainable transport measures in the form of: 10 e-bike spaces and two 2-bikes.

And subject to the following planning conditions:

Approved Plans

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

23239-0301 P-00 Location Plan

23239-0302 P-07 Proposed - Plan - Site Plan

23239-0310 P-06 Proposed - Plan - Ground Floor Plan

23239-0311 P-04 Proposed - Plan - Roof Plan

23239-0320 P-06 Proposed - Elevations

23239-0325 P-00 Proposed – Elevations – Substation

23239-0330 P-06 Proposed – Sections

1167-3-001 P06 Landscape General Arrangement

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

Time Limit

2. 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).

Retail

3. The net retail sales area of the retail unit hereby approved shall not exceed 3,223sq.m, of which no more than 1,817sq.m shall comprise comparison retail sales floorspace and no more than 1,406sq.m shall comprise convenience retail sales floorspace.

Reason: The application is justified on the basis of the comparison and convenience floorspace stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

4. Within the convenience goods floorspace hereby permitted, the sale of horticultural goods, pharmaceutical goods, greeting cards, and other ancillary product ranges shall be sold from no more than 10% of the net sales area.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

5. The comparison retail sales floorspace within the retail unit hereby approved shall be used for the sale and display of the following comparison goods:
 - i. Clothing and footwear, home and garden furniture and furnishings.

The comparison retail sales floorspace 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 unless ancillary to the above comparison goods and not comprising more than 10% of the comparison retail sales floorspace.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

6. With the exception of subdivision of the retail unit hereby approved to create two separate units, the smaller being no less than 1,406sq.m GIA, the unit shall not be sub-divided into smaller units without the prior written consent of the Local Planning Authority.

Reason: In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

Deliveries

7. No deliveries shall be taken at or dispatched from the retail unit hereby approved outside of the following times: 06:00 and 23:00 Monday to Sunday, including Bank Holidays.

Reason: In the interests of neighbouring amenity.

Noise

8. 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 and along the service yard access road as identified within the Environmental Noise Assessment (ref. 2322119 prepared by Sharps Redmore and dated 5 January 2024) 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 and shall be permanently retained and maintained as such thereafter.

Reason: In the interests of neighbouring amenity.

9. 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/or machinery shall be operated strictly in accordance any approved mitigation measures which shall be retained, maintained and operated for the lifetime of the fixed plant and/or machinery.

Reason: In the interests of residential amenity.

External Lighting

10. No external lighting shall be erected on the building hereby approved or within the application site boundary identified on the Location Plan (ref. 23239-0301 P-00) without a detailing lighting scheme having first been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall accord with the External Lighting Report prepared by Insignis (ref. 0113-INSIG-RP-MEP-32 Rev 02 dated 10 November 2023). Thereafter, the development must be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity mitigation.

External Materials

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

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

Landscaping and Trees

12. No development shall take place until the tree protection fencing/barriers as shown on the plan Tree Protection Plan (ref. 05016-East-TPP-Phase-3-Rev-A-03.10.2023) has been erected. Thereafter the trees shall be protected in accordance with the tree protection measures as shown on the plans during the course of the construction until such time as the development is completed.

Reason: To ensure the trees are protected.

13. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted

to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation and where appropriate: proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicular and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structures (such as furniture, bollards, trolley bays, refuse or other storage units). The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

14. Prior to the commencement of any development hereby approved, above damp course level, full details of soft landscaping and planting shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Any trees, shrubs or plants that die with a period five years from completion of development or are removed and/or become seriously damaged or diseased in that period shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

Highways

15. A Travel Plan must be submitted to and approved in writing by the Local Planning Authority in strict accordance with the agreed timescales presented in Table 8.1 of the Framework Travel Plan prepared by Exigo (dated December 2023). Thereafter the measures of the agreed Travel Plan shall be implemented upon commence of the development hereby approved and in line with the provisions and timescales set out within the approved Travel Plan and maintained for the lifetime of the development.

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.

16. Operations within the service yard shall be carried out strictly in accordance with the approved measures within the Service Management Plan (Rev A received 19 September 2024) for the lifetime of the development.

Reason: In the interests of neighbouring amenity.

17. Before the development is occupied or utilised the areas shown on approved Site Plan (ref. 23239-0302 P-07) for the manoeuvring, parking, loading and unloading of vehicles must be 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 for the lifetime of the development.

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

18. The development hereby approved must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Local Planning Authority. The approved scheme must be constructed and made available for use before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified for the lifetime of the development.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

Construction Management Plan

19. 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:
- i. Construction vehicle details (number, size, type and frequency of movement)
 - ii. A programme of construction works and anticipated deliveries
 - iii. Timings of deliveries so as to avoid, where possible, peak traffic periods
 - iv. A framework for managing abnormal loads
 - v. Contractors' arrangements (compound, storage areas, parking, turning, surfacing and drainage)
 - vi. Wheel washing and vehicle wash-down facilities and measures for the disposal of resultant dirty water
 - vii. Arrangements for inspection of the highways serving the site (by the developer or its contractor and the Highways Authority) prior to work commencing and at regular, agreed intervals during construction
 - viii. A scheme of appropriate signing of vehicle route to the site
 - ix. A route plan for all contractors and suppliers to be advised on
 - x. The use and routing of heavy plant and vehicles
 - xi. Temporary traffic management measures where necessary

- xii. Details of construction lighting
- xiii. Hours of construction
- xiv. Location of loading/unloading and storage of plant, waste or debris and construction materials
- xv. Pollution prevention measures, including related to: oils/chemicals and materials
- xvi. Noise reduction measures
- xvii. Dust suppression measures
- xviii. Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents
- xix. Details of waste disposal, including the control and removal of spoil and any hazardous waste that may be found or generated on site. No bonfires shall be held on site at anytime.

Reason: In the interests of biodiversity, residential amenity and to minimise the likely impact of construction traffic on the surrounding highway network, including preventing the possible deposit of loose material on the adjoining highway.

Remediation

20. 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 timescale, 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.

Biodiversity Plan

21. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 28 February 2022 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Surface Water Drainage

22. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for implementation, 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 and timetable 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 and 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.

BREEAM

24. The retail unit hereby approved shall be registered with Building Research Establishment (BRE) and shall achieve BREEAM Rating Very Good including water credit WAT02 (water monitoring).

- i. Within six months of the completion of the development, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.
- ii. Within twelve months from the date of first use of the retail unit hereby permitted commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures that have been implemented.

Thereafter the approved measures and technologies to achieve BREEAM Rating Very Good including Water Credit WAT02 shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change, securing sustainable development and achieving high levels of environmental performance.

Sewer Diversion

25. Prior to commencement of development details of the proposed diversion of the existing public sewer as shown on Proposed New Unit Layout Overlay drawing (ref: 2443-EVE-02-XX-T-C-003 Rev C dated 4 September 2024) together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the diversion shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the public sewer is re-routed and the rights of the statutory undertaker are not compromised.

Informatives

1. Informative: National Planning Policy Framework Statement
In accordance with paragraph 38 of the NPPF the council, as Local Planning Authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Informative: S106 Agreement
This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to sustainable transport measures.
3. Informative: Electrical Vehicle Charging
The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

4. Informative: Travel Plan monitoring
The applicant is advised that as part of the continued monitoring of the Travel Plan, they are required to regularly liaise, at regular time periods to be agreed, with Dorset Council's Travel Plan Team (Emma.Andre@dorsetcouncil.gov.uk) for the lifespan of the Travel Plan lifespan. The Travel Plan surveys, and other pertinent information should be submitted to Dorset Council to ensure that continued progress is being made to meet the targets of the Travel Plan.

5. Informative: Construction Management Plan
The CMP should include arrangements for protecting the environment and residents from noise, vibration, dust and site lighting. The CMP should have regard to the following recommendations from Environmental Health:
 - a. Hours of construction are to be limited to Monday – Friday 0700 – 1900 Saturday 0800 – 1300, with no noisy activity on Sundays or Bank Holidays. If there are to be any proposed deviations from these hours, please contact Environmental Protection to discuss these.
 - b. Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of construction only.
 - c. To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.
 - d. 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.
 - e. 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.
 - f. 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 Protection must be informed if this occurs.
 - g. 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.
 - h. 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.

6. Informative: Wessex Water
The site includes a foul sewer managed by Wessex Water. The necessary diversion must be agreed with Wessex Water prior to the diversion of the foul sewer being carried out.

7. Informative: BREEAM

To reduce potable water consumption in the development through water-efficient components and recycling systems it is recommended that BREEAM Excellent standards are achieved in respect of credits WAT01 (water consumption), WAT03 (water leak detection) and WAT04 (water efficient equipment).

B) Refuse permission for the reason set out below if the legal agreement under section 106 of the Town and County Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning of Service Manager for Development Management and Enforcement.

- 1) In the absence of a completed Section 106 legal agreement to secure provision of sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes, the highway impacts of the development would not be appropriately mitigated and would result in a severe residual cumulative impacts on the road network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.