



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 2 APRIL 2026

Present: Cllrs Neil Eysenck (Vice-Chair), Belinda Bawden, Simon Christopher, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

Apologies: Cllrs Matt Bell, Paul Kimber and Craig Monks

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

Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Robert Piggot (Planning Officer) and Katrina Trevett (Development Management Team Leader)

73. Apologies

Apologies for absence were received from Cllrs Matt Bell, Paul Kimber and Craig Monks.

74. Declarations of Interest

Cllr Bawden declared that she had been involved in discussions with South West Water and Lyme Regis Town Council about alternative storage options, however was not predetermined on application P/FUL/2025/07525.

75. Minutes

The minutes of the meeting held on 26 February were confirmed and signed.

76. Registration for public speaking and statements

Details of public representation are provided below, on this occasion there were no public speakers.

77. P/FUL/2025/07525 - Holmbush Car Park, Pound Street, Lyme Regis, DT7 3HX

The Planning Officer presented the application for the erection of a temporary site compound for South West Water to facilitate works to the sewage network. The application had been brought before the committee as the site was within Dorset Council owned land.

The application site was shown on a map in relation to Lyme Regis, the site consisted of a triangular parcel of land together with a narrow strip providing

vehicular access. The key site constraints were outlined and it was noted that a public right of way ran through the site. Photographs from a range of viewpoints were displayed to illustrate the current appearance of the land.

The proposed development comprised a temporary compound for a period of twelve months, measuring approximately 45.5 metres by 62 metres by 81 metres. The compound would include a mobile welfare unit, storage areas and parking bays. A plan was shown setting out the layout of the proposed compound.

It was explained that the site lay within Lyme Regis town centre and that the compound was intended to reduce the frequency of vehicles passing through the town during essential works. Owing to the temporary and relatively small-scale nature of the proposal, no objections had been raised by the Highways Authority. Although the scheme would result in a temporary reduction in parking provision, this loss was considered minor and not sufficient to justify refusal.

A parking assessment was presented, showing other car parks within Lyme Regis and detailing the number of spaces available in each. It was advised that the level of displacement caused by the proposal would equate to approximately five per cent of available parking. Members were informed that a related application on Charmouth Road had since been withdrawn.

It was stated that the development was not considered likely to result in any harmful impact on visual amenity. Residential amenity was also judged acceptable, subject to conditions restricting working hours. While trees were present around the site, no excavation was proposed, and therefore no harm was identified.

In response to questions from members, officers provided the following responses:

- The proposed compound would not impact on the existing right of way through the car park and an added informative was included in the update sheet that would ensure there was no obstruction of the foot path.
- A condition was included in the recommendation that required the work to be completed within a 12-month period, should the work not be completed in that time frame then a new application would be required.

Although several members expressed concern about the loss of parking within Lyme Regis, particularly during the busier summer months, it was expressed that the clear benefits of improving the sewage network outweighed any concerns.

It was proposed by Cllr Bawden and seconded by Cllr O'Leary that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

78. **P/FUL/2025/06651 - Pavement opposite 66-67, The Esplanade, Weymouth, DT4 8DE**

Applications P/FUL/2025/06651 and P/ADV/2025/06384 were presented in a single presentation due to relating to the same site.

The Planning Officer presented the application for the removal of an existing phone box and the installation of a BT Street Hub in the same location. The site was shown on a map and within an aerial photograph, identifying its position along the Esplanade. Photographs were displayed to provide context, including views of the site from various points.

Members were advised that the site lay on Dorset Council owned land, within the Weymouth Town Centre Conservation Area and in close proximity to the King George III statue and several Grade II listed buildings. The proposed development involved replacing the existing phone box with a BT Street Hub incorporating an LED advertising panel and providing public Wi-Fi and enhanced 5G connectivity. Elevations of the existing phone box and the proposed street hub were shown, illustrating that the new structure would be taller than the existing unit, along with a visualisation of how it would appear in the street scene.

It was explained that the proposal was acceptable in principle and supported by policies in the Local Plan. The public benefits were identified as the provision of Wi-Fi and improved 5G coverage to support both personal and business use. Residential amenity was not considered to be adversely affected. Highway impacts were judged acceptable, with no objections from the Highways Authority, subject to conditions to ensure the LED display was not distracting to road users. Crime and policing matters were also considered acceptable, provided an Anti-Social Behaviour Management Plan was secured by condition and it was noted that other LED panels were already present along the Esplanade without recorded issues of anti-social behaviour.

The main considerations were visual amenity and heritage impact. The key qualities of the Esplanade were described as its long-range views, blue railings and sense of openness and expansiveness, which had already been gradually eroded by the introduction of additional street furniture. A photograph was shown to illustrate this. It was concluded that the additional street hub would further detract from these qualities and would be harmful to the setting and character of the Conservation Area. Members were shown a map demonstrating the number of existing LED advertising panels along the Esplanade, and it was considered that the proposal would contribute to their further proliferation.

The Planning Officer considered that the proposal would result in less than substantial harm to the Conservation Area under the National Planning Policy Framework, but that this harm would sit toward the higher end of that scale given the historic and architectural significance of the Esplanade. It had also not been demonstrated that the identified public benefits could not be delivered through alternative means or locations.

In concluding, the Planning Officer explained that a fine planning balance had been undertaken between the public benefits and the identified heritage harm. Given the degree of harm, it was not considered that the public benefits outweighed the negative impacts on the Conservation Area.

The following responses to members questions were provided by officers:

- The Street Hub unit would be limited to non-animated, static advertisements only and the Highways Authority had requested that a condition be included to prevent video or animated advertising being used.
- It was considered that policy W13 in the Weymouth Neighbourhood Plan sought to protect long ranging views of the Esplanade and that whilst the proposal would introduce new elements to the Esplanade, they would not be significant in scale and size to be detrimental to those long range, wide views.
- In addition to the physical presence of the Street Hub, the addition of LED advertising panels would also contribute to the visual clutter along the Esplanade.
- The other LED panels in the area were of a similar size.

Having had the opportunity to debate the merits of the application several members expressed that although they recognised the benefits of the application, it did not outweigh the harm caused to the setting of the Conservation Area.

It was proposed by Cllr Northam and seconded by Cllr Wheller, that the application be refused.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

79. P/ADV/2025/06384 - Pavement opposite 66-67, The Esplanade, Weymouth, DT4 8DE

It was proposed by Cllr Northam and seconded by Cllr Wheller, to refuse the application.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

80. P/FUL/2025/06224 - Pavement outside 104E St Mary Street, Weymouth, DT4 8NY

Applications P/FUL/2025/06224 and P/ADV/2025/06226 were presented in a single presentation as both applications related to the same site.

The Planning Officer presented the application for the removal of an existing BT payphone and the installation of a BT Street Hub. The application had been referred to the committee because the site was located on Dorset Council owned land.

The site location was shown on a map and within an aerial photograph and photographs of the existing phone kiosk were displayed from a range of viewpoints. Members were advised that the site lay within the Conservation Area and within Flood Zones 3 and 3a.

The proposed development was described as the replacement of the existing phone box with a BT Street Hub, which would provide public Wi-Fi and enhanced 5G coverage within an approximate range of 150 to 200 metres. The existing kiosk to be removed was slightly smaller than the proposed structure. Elevations of the

existing phone box and the proposed Street Hub were shown, along with a visualisation illustrating how the new unit would appear once installed.

The principle of development was considered acceptable and supported by Policy SUS2. The economic and public benefits arising from the provision of Wi-Fi and improved 5G connectivity were highlighted. Residential amenity was assessed as acceptable, subject to conditions to limit noise and lighting to protect nearby occupiers. In highway terms, the area was used by maintenance vehicles and pedestrians, and Highways officers had recommended conditions to ensure that the unit would not be distracting to users of St Mary's Street.

Crime and policing matters were considered acceptable, subject to a condition requiring an Anti-Social Behaviour Management Plan. It was explained that the context of St Mary's Street differed from that of the esplanade, being a more enclosed and active retail environment. Although the Street Hub would be taller than the existing phone kiosk, it was considered appropriate in a well-lit retail setting. The proposal was assessed as resulting in less than substantial harm to the setting of the Black Dog public house, but this harm was considered to fall at the lower end of the scale due to the active nature of the street and the building's offset position relative to the pub.

In setting out the planning balance, the Planning Officer advised that the decision was finely balanced, but concluded that the public benefits of the scheme were clear and outweighed the limited harm identified. The recommendation was to grant planning permission, subject to conditions shown to members, including restrictions on noise and lighting during certain hours.

In response to members questions officers provided the following responses:

- The suggested conditions from Highways had been included in the recommended list of conditions.
- The distance between the proposed Street Hub and Black Dog pub was approximately 8.96m.
- The Street Hub would not display video advertisements.

It was proposed by Cllr Northam and seconded by Cllr Wheller that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

81. P/ADV/2025/06226 - Pavement outside 104E St Mary Street, Weymouth, DT4 8NY

It was proposed by Cllr Northam and seconded by Cllr Shortell that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

82. Urgent items

There were no urgent items.

83. **Exempt Business**

There was no exempt business.

84. **Update Sheet**

Decision List

Duration of meeting: 10.00 - 11.13 am

Chairman

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Western and Southern Area Planning Committee
Thursday 02 April 2026
Decision List

Application: P/FUL/2025/07525

Application Site: Holmbush Car Park, Pound Street, Lyme Regis, DT7 3HX

Proposal: Erect temporary site compound within Holmbush Car Park to contain the following: a mobile welfare unit; area for storage and plant; parking area; a heras fence boundary around the perimeter of the compound.

Summary of Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan NPEN-SWW-CMPND-HLMBSH-003
Site Plan NPEN-SWW-CMPND-HLMBSH-004
Compound Plan NPEN-SWW-CMPND-HLMBSH-001
Elevation Plan NPEN-SWW-CMPND-HLMBSH-002

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

3. Prior to the commencement of the use of the land as a compound the Heras fencing on the south east boundary of the site should be installed in accordance with the approved plans and shall be retained for the lifetime of the development as set out in condition 5.

Reason: To protect adjacent trees.

4. No lighting shall be installed at the site unless and until details of a lighting scheme have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

5. Once the development has commenced, the use of the land hereby permitted shall cease after a period of 12 months and the site shall be restored to its former condition.

Reason: To protect the character and amenity of the area.

6. No machinery shall be operated at the site, no activity carried out at the site and no deliveries received at or despatched from the site outside the hours of 07:30 to 17:30 Monday to Friday, and 07:30 to 16:30 on Saturdays, and at no time on Sundays or Bank Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of nearby residential properties.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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 application was acceptable as submitted and no further assistance was required.

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

3. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4. Any works would need to be authorised by the owner/operator of the land which is under development and as such the applicant is advised to contact Dorset Council Parking Services.

5. Informative Note: Rights of Way The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It

should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced. Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

Application: P/FUL/2025/06651

Application Site: Pavement opposite 66-67 The Esplanade Weymouth DT4 8DE

Proposal: Installation of 1no. BT Street Hub and removal of associated BT payphone

Summary of Recommendation: Refuse.

Decision: That the application be refused for the following reason:

The proposed BT Street Hub would be a harmful addition to the historically sensitive and significant Esplanade promenade within the Weymouth Town Centre Conservation Area, given its siting, scale, design, appearance and colour with inbuilt LED screens being visually intrusive, adding to the proliferation of street furniture and being read alongside existing LED advertising screens which have been installed along the Esplanade. Whilst it is noted that there would be public benefits from the proposed hub, namely increased coverage of 5G and the provision of Wi-Fi, this is not considered to outweigh the less than substantial harm to the character and appearance of the Conservation Area which the hub would cause. Furthermore, it has not been demonstrated or evidenced that suitable alternatives, which would cause less harm to visual amenity and the Conservation Area, for the provision of Wi-Fi and 5G have been considered. Therefore, the proposal would be contrary to Policies COM10, ENV4, ENV10, ENV12, ENV14 and WEY1 of the West Dorset, Weymouth and Portland Local Plan (2015) and Weymouth Neighbourhood Plan (2026) policies W39, W44 and W45 and chapters 10 and 16 of the National Planning Policy Framework.

Application: P/ADV/2025/06384

Application Site: Pavement opposite 66-67 The Esplanade Weymouth DT4 8DE

Proposal: Installation of 1no. internally illuminated double sided LCD display screen.

Summary of Recommendation: Refuse.

Decision: That the application be refused for the following reason:

1. The proposed BT Street Hub would be a harmful addition to the historically sensitive and significant Esplanade promenade within the Weymouth Town Centre Conservation Area, given its siting, scale, design, appearance and colour with inbuilt LED screens being visually intrusive, adding to the proliferation of street furniture and being read alongside existing LED advertising screens which have been installed along the Esplanade. Whilst it is noted that there would be public benefits from the proposed hub, namely increased coverage of 5G and the provision of Wi-Fi, this is not considered to outweigh the less than substantial harm to the character and appearance of the Conservation Area which the hub would cause. Therefore, the proposal would be contrary to Policies ENV4, ENV10, ENV12, ENV14 and WEY1 of the West Dorset, Weymouth and Portland Local Plan (2015) and Weymouth Neighbourhood Plan (2026) policies W39, W44 and W45 and chapter 16 of the National Planning Policy Framework.

Application: P/FUL/2025/06224

Application Site: Pavement outside 104E St Mary Street Weymouth DT4 8NY

Proposal: Installation of 1no. BT Street Hub and removal of associated BT payphone.

Summary of Recommendation: Grant subject to the conditions.

Decision: That the application be granted subject to the following conditions:

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

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

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

001 A Site Location Maps

002 A Proposed Site Plan

003 A Existing and Proposed Elevations

Street Hub Product Statement V2.1. February 2025

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

3. The development hereby permitted shall be managed in accordance with the management measures detailed in the BT Street Hub Anti-Social Behaviour Management Plan Version 3 for the lifetime of the development.

Reason: In the interest of the amenity of the area and crime and anti-social behaviour prevention.

4. Wi-Fi and 5G functionality are to be installed and made available for use by the public within the BT Street Hub hereby approved before the LED advertisement screens within the HUB are first brought into use. These functionalities shall be retained for the life of the unit, and in the event that either functionality ceases, for a period of any more than 14 days, other than for maintenance, the BT Street Hub shall be removed and the affected pavement area restored.

Reason: In the interests of securing the public benefits which outweigh the less than substantial harm to designed heritage assets.

5. The volume of the BT Street Hub hereby permitted shall be no greater than 60% of the maximum volume during night time hours of 21:00 - 07:00.

Reason: In the interests of the amenities of the surrounding area and to minimise potential disturbance to residents.

6. The existing BT Phonebox at the site shall be removed in its entirety prior to the installation of the BT Street Hub and following completion of the development hereby approved, the pavement surrounding the Street Hub shall be made good to the same condition as the adjacent land.

Reason: In the interests of visual amenity and the safety of users of the pavement.

7. Before the development commences, full details of the adaptive luminance control, hours of darkness and default mechanisms scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the display being brought into use and shall thereafter be retained and maintained for the lifetime of the development.

- Adaptive Luminance Control - The digital display shall incorporate a system to automatically adjust luminance to reflect ambient light conditions. In hours of darkness, the luminance shall not exceed the maximum values set out in the Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23 (or any successor guidance), based on the agreed Environmental Zone, or as otherwise deemed acceptable by the Local Planning Authority.

- Default Mechanism - The display shall include a mechanism to default to a blank or black screen in the event of malfunction or when the advertisement is not in use.

Reason: To ensure luminance levels are appropriate to avoid dazzle and glare to highway users in the interests of highway safety and meet amenity standards for luminance within urban/mixed use areas.

8. The BT Street Hub hereby approved shall be black in colour and shall be retained as such thereafter.

Reason: In the interests of protecting wider visual amenity of the area.

Informatives:

1. In accordance with paragraph 39 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.
- The applicant was provided with pre-application advice.

2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

3. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

4. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development

Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Application: P/ADV/2025/06226

Application Site: Pavement outside 104E St Mary Street Weymouth DT4 8NY

Proposal: Installation of 1no. BT Street Hub and removal of associated BT payphone.

Summary of Recommendation: Grant subject to the conditions.

Decision: That the application be granted subject to the following conditions:

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

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

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

001 A Site Location Maps

002 A Proposed Site Plan

003 A Existing and Proposed Elevations

Street Hub Product Statement V2.1. February 2025

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

3. Before the development commences, full details of the adaptive luminance control, hours of

darkness and default mechanisms scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the display being brought into use and shall thereafter be retained and maintained for the lifetime of the development.

- Adaptive Luminance Control - The digital display shall incorporate a system to automatically adjust luminance to reflect ambient light conditions. In hours of darkness, the luminance shall not exceed the maximum values set out in the Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23 (or any successor guidance), based on the agreed Environmental Zone, or as otherwise deemed acceptable by the Local Planning Authority.

- Default Mechanism - The display shall include a mechanism to default to a blank or black screen in the event of malfunction or when the advertisement is not in use.

Reason: To ensure luminance levels are appropriate to avoid dazzle and glare to highway users in the interests of highway safety.

4. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

Reason: In the interests of visual amenity and living conditions of nearby residents.

5. The minimum display time for each piece of content on the digital display screens shall be 10 seconds. The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason: In the interests of visual amenity and living conditions of nearby residents.

6. No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason: To ensure Highway safety is not unduly impacted upon.

7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. No advertisement shall be sited or displayed so as to; a) danger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c) hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

9. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

11. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

12. The BT Street Hub hereby approved shall be black in colour and shall be retained as such thereafter.

Reason: In the interests of protecting wider visual amenity of the area.