



# Western and Southern Area Planning Committee

**Date:** Thursday, 2 April 2026  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6)

Neil Eysenck (Vice-Chair), Belinda Bawden, Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

**Chief Executive:** Catherine Howe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic & Governance Services Meeting Contact 01305 224710 [Joshua.kennedy@dorsetcouncil.gov.uk](mailto:Joshua.kennedy@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda. If you would like to attend this meeting and have any specific requirements please contact the Democratic Services Officer named above.

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## Agenda

| Item                                                                                                                                                                                                                                                                                          | Pages |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>1. APOLOGIES</b>                                                                                                                                                                                                                                                                           |       |
| To receive any apologies for absence                                                                                                                                                                                                                                                          |       |
| <b>2. DECLARATIONS OF INTEREST</b>                                                                                                                                                                                                                                                            |       |
| To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. |       |
| If required, further advice should be sought from the Monitoring Officer in advance of the meeting.                                                                                                                                                                                           |       |

3. **MINUTES** 5 - 12
- To confirm the minutes of the meeting held on 26 February 2026.
4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#).
- The deadline for notifying a request to speak is 8.30am on Tuesday 31 March 2026.
5. **P/FUL/2025/07525 - HOLMBUSH CAR PARK, POUND STREET, LYME REGIS, DT7 3HX** 13 - 24
- 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.
6. **P/FUL/2025/06651 - PAVEMENT OPPOSITE 66-67, THE ESPLANADE, WEYMOUTH, DT4 8DE** 25 - 38
- Installation of 1no. BT Street Hub and removal of associated BT payphone.
7. **P/ADV/2025/06384 - PAVEMENT OPPOSITE 66-67, THE ESPLANADE, WEYMOUTH, DT4 8DE** 39 - 50
- Installation of 1no. internally illuminated double sided LCD display screen.
8. **P/FUL/2025/06224 - PAVEMENT OUTSIDE 104E ST MARY STREET, WEYMOUTH, DT4 8NY** 51 - 66
- Installation of 1no. BT Street Hub and removal of associated BT payphone.
9. **P/ADV/2025/06226 - PAVEMENT OUTSIDE 104E ST MARY STREET, WEYMOUTH, DT4 8NY** 67 - 78
- Installation of 1no. internally illuminated double sided LCD display screen.
10. **URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b)

of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

**11. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There is no scheduled exempt business.**

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## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 26 FEBRUARY 2026

**Present:** Cllrs Neil Eysenck (Vice-Chair), Belinda Bawden, Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper and Kate Wheller

**Apologies:** Cllrs Dave Bolwell and David Shortell

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), James Lytton-Trevers (Lead Project Officer), Emma Thornett (Senior Planning Officer) and Louis Wicks (Democratic Services Officer Apprentice)

**64. Declarations of Interest**

Cllr Monks declared that he was pre-determined on item 5 and would leave the room for the debate and vote of that application.

Cllr Bawden declared that she was pre-determined on item 7 and would leave the room for the debate and vote of that application.

**65. Minutes**

The minutes of the meeting held on 29 January 2026 were confirmed and signed.

**66. Registration for public speaking and statements**

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

**67. P/FUL/2022/02899 - Wintergreen Barn, Higher Meerhay Farm Access Road, Meerhay, Dorset, DT8 3SB**

The Senior Planning Officer presented the application. The application site was identified on the location plan, together with adjoining land in the applicant's ownership outlined in blue. An aerial view and the proposed site layout were shown. The elevations of the workshop building were presented, illustrating a natural-stone structure with a pitched roof, timber cladding and natural slate roofing. The wider site included orchard planting, a new hedgerow, and seven zones forming part of an agreed woodland management plan.

A series of photographs were shown, including views from Meerhay Lane, public rights of way and the main workshop building. Images of the parking area, hedging, access onto the lane, as well as the main static mobile home and workshop were shown. A view taken from the south of the site during winter demonstrated the extent of vegetation cover. Additional images included the stream crossing and a view of the site from the footpath, along with photographs of the woodland proposed for enhancement through the application.

The Officer advised that the Council could not demonstrate a five-year supply of traveller sites and that paragraph 11(d) of the National Planning Policy Framework (NPPF) therefore applied. The Senior Planning Officer referred to Policy SUS2 and explained that the site's proximity to Beaminster meant it had reasonable access to a wide range of local facilities and services and was a sustainable location. The applicants' traveller status had been examined in detail, including assessment of their historic travelling patterns. Information on their movements had been shared with the Gypsy and Traveller Liaison Officer, who had met with the applicants and was satisfied that they met the relevant definition. The Senior Planning Officer highlighted the clear and growing unmet need for traveller sites within the area.

It was explained that the materials proposed were subdued and used natural finishes appropriate to the National Landscape. Existing planting had already contributed to mitigation and the woodland management plan would deliver further improvements. The nearest dwelling lay approximately 40 metres from the site and officers concluded that there would be no overlooking or loss of amenity and there was no objection raised by Dorset Council Highways.

Public representation was received in opposition to the application from James Green, Katherine Haskins and John Steel KC. They raised concerns about the application including about setting a precedent in the area for allowing traveller site applications, the lack of alternative sites that had been explored and questioned the traveller status of the applicants.

Public representation in support of the application was received from Reverend John Herbert, Catherine Burton on behalf of Paula Tuff, Simon Ruston and Cllr Monks. Amongst their points of support, it was noted that the applicants traveller status was supported by the Council, Planning Inspectorate and the charity, Kushti Bok. In addition, it was mentioned that the applicants had not been offered an alternative permanent pitch by the Council and that even if they had, it would not impact the application.

*Cllr Monks left the Council Chamber 10:43.*

In response to public statements, the Senior Planning Officer noted that the applicant's traveller status had been determined by looking at the past four years' worth of travelling to festivals and was supported by the Gypsy and Traveller Liaison Officer and the Chair of Kushti Bok. It was also explained that the recommendation related to the specific application, which included benefits such as woodland management and so there was not a concern of a precedent being set.

Officers provided the following responses to members questions:

- It was not considered that the application would set a precedent as the recommendation for approval was based on the specific activities of the family at the site and the low level of impact of activities, which were mitigated by the landscape management.
- The applicants produced art and metal work in their workshop on site, which they sell at festivals and this level of activity is considered to be low impact.
- Members were advised by the Legal Business Partner that the application of policy was a matter of judgement for them and they would only be acting unlawfully if they made a decision outside the remit of a planning committee or if they failed to apply the relevant policies properly.
- A separate application relating to the business activities on site was not considered necessary, as the workshop was specifically listed in the application proposal.

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

An amendment was proposed by Cllr Northam and seconded by Cllr Bawden, that the wording of condition 2 be changed from 'their resident dependents only' to 'their children, subject to continuing traveller lifestyle'.

Upon being put to a vote the motion to amend the substantive motion fell.

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

**68. P/FUL/2025/05240 - Sidney Gale House, Flood Lane, Bridport, DT6 3QG**

*Cllr Christopher left the meeting at 11:39.*

*Cllr Monks returned to the Council Chamber at 11:39.*

The Lead Project Officer presented the application for the demolition of an existing building and the erection of a 56-bed reablement centre. The site was shown on a map, situated south of the town centre and currently occupied by a disused purpose-built care home. The site included large gardens and was bordered by West Bay Road and the A35, with Flood Lane providing access. Photographs of the existing building were displayed, showing predominantly lawned areas with a number of trees, as well as views from the A35.

The proposal involved demolishing the existing building, which was described as having little architectural merit and replacing it with a single new structure. The proposed building had been designed to appear as four separate elements, with pitched roofs over two storeys, linked by flat-roofed sections. The design incorporated three internal lightwells, allowing light to enter from both sides of the building.

The proposed elevations and materials were presented, including the use of soft red brick and a mix of modern materials. The Lead Project Officer highlighted the proposed landscaping, the layout of the car park at the end of Flood Lane and the building footprint. Plans identified both retained trees and new planting. The existing access via Flood Lane would remain unchanged, with the car park intended primarily for staff and visitors. Artist's impressions illustrated how the building would appear from the exterior.

In terms of the principle of development, it was explained that the site lay within Bridport and within the Defined Development Boundary (DDB). The proposal made use of previously developed land, a form of development strongly supported by the NPPF. There was no objection to the demolition of the existing building from statutory consultees. The vertical emphasis of window design and the use of soft red brick were considered appropriate and characteristic of other developments in the town.

It was noted that the only immediate neighbour was Gordon's Court, and no concerns had been identified regarding overlooking. It was confirmed that the nearest listed buildings were located on the opposite side of the road and their setting was not considered to be harmed by the proposal. The biodiversity elements of the scheme were shown on the site plan. The application was considered acceptable in terms of highway matters and the existing access remained suitable. Several of the trees on site would be retained and where removals were necessary, higher-quality replacements were proposed.

Regarding flood risk and drainage, a small corner of the site lay within Flood Zone 2. The applicant had undertaken a sequential test and found no suitable alternative sites. Surface-water flood risk affected only a small part of the site in a 1-in-1000-year event, and engineers had confirmed that this could be mitigated without difficulty.

Public representation was received from the applicant, Samuel Poole. He noted that the centre would provide short term recovery for people after leaving hospital and would prevent people from moving into long term care accommodation prematurely. The site had been designed with input from care specialists and safety advisors to create a purpose-built development.

The following responses were provided by officers, in response to questions from members:

- Negotiations had taken place with Dorset Councils Tree Officers and as a result a row of proposed Beech trees had been changed to garden trees to better reflect the space.
- The applicant had carried out an exercise and determined that it would not have been economical to repurpose the existing building and that new development was preferable.
- It was not considered necessary at this stage to condition that permeable surfaces be provided, as it was not yet known if this would be an appropriate solution in addressing potential flooding.
- A detailed surface water management scheme was required to be submitted and would have to meet the relevant standards. Due to the low risk of flooding, it was not required to be submitted at the planning application stage.

Having had the opportunity to discuss the merits of the application and an understanding of all that this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, it was proposed by Cllr Northam and seconded by Cllr Bawden that the application be granted.

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

69. **P/FUL/2024/05592 - Farnham House Flat 9, Stile Lane, Lyme Regis, DT7 3JD**

The Senior Planning Officer presented the application for the erection of a replacement dwelling, explaining that it followed an earlier proposal which had been refused and subsequently dismissed at appeal.

An aerial view was shown identifying the existing dwelling and the site for the proposed replacement. It was explained that the property was accessed from Stile Lane, where a shared parking area was situated and lay within the grounds of Farnham House. The site constraints were outlined: it lay within the DDB, within the Dorset National Landscape and inside the Lyme Regis Conservation Area. The plan also highlighted areas vulnerable to coastal erosion and identified nearby listed buildings. Farnham House was described as a non-designated heritage asset.

Elevations of the existing single-storey dwelling were shown. The previously refused scheme was shown alongside the current proposal for comparison. The earlier design had been considered visually prominent and harmful to the setting of Farnham House. The revised proposal would be constructed in natural stone with a natural slate roof and would include a significant reduction in glazing compared with the previous application. Two small roof lights were proposed at first-floor level. The ridge height would increase by approximately 1.5 metres over the existing building.

Photographs of the site were presented, including the protected yew tree adjacent to the property. Further images showed the relationship between the existing dwelling, the modern addition of Flat 8 at Farnham House and Farnham House itself. It was explained that the proposed dwelling would feature dormers and materials similar to those used on Farnham House. Additional views were shown from the entrance to Farnham House and from the public footpath, illustrating the change in levels across the site. The modern Flat 8 was visible from these viewpoints, as was a shed within the application site. Wider views from the mini-golf area were also shown.

In setting out the key planning issues, the Senior Planning Officer explained that the site lay within the DDB and that a replacement dwelling was acceptable in principle. Regarding the Dorset National Landscape and trees, the appeal inspector had found that development could be undertaken without harming the adjacent yew tree, subject to an appropriate construction plan. On heritage matters, the inspector had concluded that although the site was visible from

nearby listed buildings, the proposal would not harm their historic open settings. In respect of the Conservation Area and the non-designated heritage asset, it was advised that the revised scheme would result in less than substantial harm and any harm identified fell at the lower end of the "less than substantial" scale.

The application was recommended for approval subject to conditions, including the removal of permitted development rights for additional windows facing Farnham House, and the implementation of a construction method statement to ensure the protection of the yew tree and maintain ground stability.

Melanie Gradden spoke in opposition to the application. She noted that the revised scheme had not reduced in size or bulk from the previously rejected application and that the prominent location of the dwelling would cause harm to the Conservation Area, with no wider community benefits.

The applicant, Denise Russell, spoke in support of the application. She explained that they had worked with architects and planners to create a design that was softer and smaller than the previous proposal. In addition, the new design would have a lower roof height than other buildings in the area.

Mark Green spoke on behalf of Lyme Regis Town Council. He stated that the Town Council had unanimously agreed to object to the application, as they did not view the new proposal as materially different from the previously refused application. They considered that it was out of keeping and unsympathetic to the character of the area and neighbouring buildings.

Cllr Bawden spoke in opposition to the application. She noted that the area of Lyme Regis in which the development site was proposed had a significant number of heritage and listed buildings and that this proposal would be out of keeping with the existing buildings, due to the modern design. There were also concerns about the unstable ground, as part of Stile Lane had recently collapsed.

*Cllr Bawden left the meeting at 12:39.*

The following responses were provided to members questions:

- A Landscape Visual Impact Assessment was not required for a replacement dwelling.
- The main changes compared with the previous application were the reduced width of the building, the changed materials and the reduced glazing.
- The public benefits that had been identified were the replacement of an outdated dwelling with a modern building that would be more thermally efficient.

It was proposed by Cllr Kimber 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.

## **70. Urgent items**

There were no urgent items.

71. **Exempt Business**

There was no exempt business.

72. **Update Sheet**

**Decision List**

**Duration of meeting:** 10.01 am - 12.55 pm

**Chairman**

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# Agenda Item 5

|                            |                                                                                                                                                                                                               |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/FUL/2025/07525                                                                                                                                                                                              |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>                                                                                                                   |
| <b>Site address:</b>       | Holmbush Car Park Pound Street Lyme Regis DT7 3HX                                                                                                                                                             |
| <b>Proposal:</b>           | 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 |
| <b>Applicant name:</b>     | Mr Nigel Pidgeon                                                                                                                                                                                              |
| <b>Case Officer:</b>       | Rob Piggot                                                                                                                                                                                                    |
| <b>Ward Member(s):</b>     | Cllr Bawden                                                                                                                                                                                                   |

- Reason application is going to committee:** The application site is within Dorset Council owned land.
- Summary of recommendation:**  
Grant, subject to the conditions set out at section 16.
- Key planning issues**

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development                                                     | The development would be within the town centre of Lyme Regis, with the proposed temporary compound providing efficiencies for infrastructure work, and traffic minimisation.                                                                               |
| Scale, design, impact on character and appearance                            | The scale of the compound would be modest, set within an urbanised area of Lyme Regis, being temporary in nature and thus not detrimental to the wider public realm, street scene and rural (National Landscape) setting to the east and north of the site. |
| Impact on the living conditions of the occupants and neighbouring properties | The scheme is sufficiently distanced from neighbouring properties, with operational hours restricted.                                                                                                                                                       |
| Flood risk and drainage                                                      | The scheme is no worse than existing hard surface area, being a temporary compound, not changing to a more vulnerable use.                                                                                                                                  |
| Highway impacts, safety, access and parking                                  | The compound will utilise an existing entry/exit point to the carpark, with the impact on parking provision not considered severely detrimental limited given the temporary nature of the compound and availability of alternative parking in Lyme Regis.   |

| Issue           | Conclusion                                                                                                                                                                   |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impact on trees | No development would involve excavation works, with fencing separating it from trees on the south east boundary of the compound.                                             |
| Biodiversity    | The site affected is not priority habitat, currently being hardstanding, and thus would have limited value as biodiversity habitat, being exempt from Biodiversity Net Gain. |

#### 4. Description of site

- 4.1 Holmbush Carpark is a large, hard surfaced carpark, located on the western side of Lyme Regis, on the southern side of Pound Street, above Cobb Road. The southern area of the carpark is well screened to the south, east and west by mature trees. The main access road through the carpark runs on a north to south axis, becoming a private access road at the southern end, known as Pine Walk.

#### 5. Description of development

- 5.1 This application is for the establishment of a temporary site compound within Holmbush Car Park. The proposed development would be located in a triangular area – approximately 45.5m x 62m x 81m, in the southern section of the carpark, accessed from the main entrance to the carpark. The number of carparking spaces which the compound would temporarily displace would be approximately 96, out of a total of 393 (~24%). The compound will contain the following:

- a mobile welfare unit - approximately 8m L x 3m W x 2.5m H;
- area for storage and plant;
- parking bays;
- a Heras fence boundary (approximately 2m H) around the perimeter of the compound;
- site entrance/exit gates.

- 5.2 The site compound is intended to support the works being undertaken by South West Water Ltd to separate surface water from foul water networks in Lyme Regis, over an area of 4ha. The temporary compound would minimise disruption caused by traffic congestion which may be associated with the works.

#### 6. Background and relevant planning history

1/W/90/000377 - Decision: WIT - Decision Date: 05/04/1991

Circular 18/84 Procedure - Erect power driven air attack siren

1/W/03/001783 - Decision: GRA - Decision Date: 02/06/2004

Demolish various structures to allow construction of coast protection works

#### 7. List of constraints

SUS 2; Land Outside DDBs;

ENV 1; Area of Outstanding Natural Beauty, Dorset

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 3

ENV 4; Conservation Area; Lyme Regis Conservation Area

PROW - Right of Way: Footpath W2/13

South West Water Foul Sewage - catchment: UPLYME STW

Dorset Council Land Freehold: Holmbush Car Park including cafe and public conveniences,  
Pound Street, Lyme Regis - Reference FH004054

Higher Potential ecological network

Special Area of Conservation (SAC) (5km buffer): Sidmouth to West Bay (UK0019864); -  
Distance: 137.95

Special Area of Conservation (SAC) (5km buffer): Lyme Bay and Torbay (UK0030372); - Distance:  
291.68

NCERM Ground Instability Zone

## **8. Consultations**

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

### **Consultees**

#### **1. Dorset Council - Rights of Way Officer:**

I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route

#### **2. Dorset Council – Highways:**

Initial Response (14/1/26): An assessment of the development proposal was made. I consider Section 1 of the Environmental Supporting Statement to be in effect, The Construction Method Statement. Along with the submitted drawings it includes the expected working hours, site and compound drawings including vehicle parking area, storage, plant and welfare unit as well as details of traffic routes to and from site. No unacceptable impact on highway safety was identified. Hence, the Highway Authority has NO OBJECTION to the proposal, subject to a Construction Method Statement condition.

Further Response (20/2/26): With regards to the access and continued use of the car parking area during the temporary use phase, we would recommend that the applicant consult with Dorset Council Parking Services team so that the public parking demand can be managed adequately especially during peak periods. The Local Planning Authority may require this to be conditioned.

#### **3. Dorset Council - Coastal risk management:**

No objection from the Coastal Risk Team.

#### **4. Dorset Council - Asset & Property**

No comments received.

#### **5. Dorset Council - Env. Services – Protection**

No adverse comment given proposed operating times.

#### **6. Dorset AONB Team:**

Considering the temporary nature of this proposal and the use of an existing car park, we have no overriding objection in relation to impacts on natural beauty. However, we recommend that the duration be clarified and that a lighting condition be applied.

#### **7. Lyme and Charmouth Ward Member:**

No comments received.

#### **8. Lyme Regis Town Council:**

The town council recommends approval of the application because the use is only temporary, there is no long-term harm arising from the planned development and it assists in the delivery of important town-wide improvements to the foul and surface water drainage infrastructure.

**Representations received** - None

### **9. Duties**

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty) when making any decision which affects such land.

### **10. Relevant policies**

#### **Development plan**

In this case the development plan comprises:

#### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV7: Coastal erosion & land instability
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV15: Efficient and appropriate use of land
- ENV16: Amenity
- SUS2: Distribution of development
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision

Material considerations

**Emerging local plans:**

Paragraph 49 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).

**The Dorset Council Local Plan**

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

**Local Nature Recovery Strategy** – n/a as site is currently hardstanding and would remain as such.

**National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

## **National Planning Practice Guidance**

### All of Dorset:

Dorset AONB Landscape Character Assessment

The Dorset National Landscape Management Plan 2026-31

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.

### Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

### Conservation Area Appraisals:

Lyme Regis adopted October 2010

## **11. Human rights**

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

## **12. Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

This proposal is not considered to impact upon persons with protected characteristics.

### 13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| What                                                          | Amount / value |
|---------------------------------------------------------------|----------------|
| Material considerations                                       |                |
| Improved water quality within Lyme Regis Beach and wider Bay. |                |
| Increase capacity for possible future growth.                 |                |
| Reduced traffic movements in Lyme Regis during works.         |                |
| Potential for local spend by construction workers             |                |
| Non material considerations                                   |                |
| None.                                                         |                |

### 14. Planning Assessment

#### Principle of development

14.1 The development would be within the town centre of Lyme Regis, with the proposed temporary compound providing efficiencies for infrastructure work, and traffic minimisation.

#### Scale, design, impact on character and appearance, landscape

14.2 The scale of the compound would be modest, set within an urbanised area of Lyme Regis, being temporary in nature and thus not detrimental to the wider public realm and street scene.

14.3 The Dorset National Landscape (AONB) Team have raised no objections with the scheme; however, they have recommended that the duration of the scheme be clarified and a lighting condition be applied. In this regard the use of the compound is stated to run for a period of 12 months from March 2026 to March 2027. In terms of lighting, it should be noted that the Planning Statement does state within the Environmental Appraisal section, under point XII, that additional lighting is not proposed, this notwithstanding a lighting condition will be applied, should that requirement change. A condition will also be applied limiting the duration of the use of the site, its clearance and restoration to its former condition at the end of the temporary period.

14.4 Having regard to all of the above the development is considered to have an acceptable impact on visual amenity and would have no adverse effect on the landscape character of the National Landscape given the site's location in the urban area of Lyme Regis on an existing car park. As such the development accords with Policy ENV1 of the adopted local plan and the duty in respect of the CROW Act.

### **Residential Amenity**

14.5 The proposed compound would principally be used for storage and as welfare facilities, operating between 07:30 – 17:30 Monday to Friday, and occasionally on Saturday between 07:30 – 16:30. It is stated that the compound would not be used as overnight accommodation and that it would have no further purpose once works have been completed.

14.6 The Environmental Protection Team at the Council have reviewed the application and have no objections, sighting the acceptable working hours which have been provided.

14.7 Given that the site would operate during defined work hours it is not considered to be harmful to the amenity of neighbouring properties. It is considered that noise and activity on the site would be further limited by distance separation, as the compound is approximately 30-40m to the nearest houses to the east and south, and approximately 50m to the nearest houses to the west. Furthermore, the compound would be sited within an existing car park where there will already be vehicle movements coming and going from the site 7 days a week and potentially late into the night and early in the morning. Lastly, the compound would be temporarily sited, being for a period of 12 months.

14.8 The proposed development is considered to accord with Policy ENV16 of the adopted local plan.

### **Flood risk and drainage**

14.9 There are no surface water or flooding designations covering the area of the proposed development. The development is considered to accord with Policy ENV5 of the adopted local plan.

### **Highway impacts, safety, access and parking**

14.10 The development would be located within a large carpark and accessed via an existing access to the carpark. The proposed compound would be temporary, i.e. 12 months, and is not considered to have a severe detrimental effect on road safety and parking provision within Lyme Regis. It should be noted that Charmouth Road Carpark and the Lyme Regis Park and Ride, along with other smaller car parks and on street parking in and around Lyme Regis, could be used as alternative parking.

14.11 The Highways Authority (HA) have raised no objection to the scheme, subject to a condition stating that access and traffic movements shall be in accordance with the details which have been submitted in the Environmental Supporting Statement and Site Traffic Route plan being implemented and adhered to in full. It is not considered necessary to condition compliance with the statement referred to as the temporary nature of the proposal, along with hours of operation will be conditioned anyway.

14.12 The Parking Services Team at the Council have confirmed that parking demand in Lyme Regis fluctuates, with more demand during summer and the shoulder seasons, and as such a further review of the scheme was undertaken by the HA. The HA maintain that they would have no objection, noting that the works are of a temporary nature, and that any parking demand matters would need to be managed directly between the applicant and the Parking Services Team at the Council. Related to this, clarification was provided by the agent for this application that two other compound sites were going through the planning process, one at Middle Hill Farm in Lyme Regis and one at Shire Lane, in Uplyme, within the East Devon Planning Authority area. The agent has stated that if these are granted permission then this would reduce the area required for the compound at Holmbush carpark. Notwithstanding this it is considered that the proposed compound would be acceptable anyway.

14.13 Having regard to the above it is considered that the development would not have an adverse impact on highway safety and accords with Policy COM7 of the adopted local plan.

## **Trees**

14.14 The site is bounded to the southeast by trees, however, it is not considered that the development would affect these trees, given that it would not involve any excavation or laying of foundations, with temporary Heras fencing being erected on the southeast boundary of the proposed compound. The provision of the fencing in order to protect the trees would be conditioned.

## **Biodiversity and environmental implications**

14.15 A Preliminary Ecological Appraisal has been carried out at the site by Orbis Ecology Ltd, and it is noted that the site does not hold any value for biodiversity, and would not be classified as priority habitat, currently being hardstanding. Further, any emissions from the compound are considered to be no worse than those emitted from the use of the site as a carpark. Thus, the site would not fall within the Council's Biodiversity Protocol and would be exempt from Biodiversity Net Gain.

## **15. Summary of issues and the planning balance**

15.1 The scheme is considered to be acceptable in terms of visual impact, siting and wider landscape setting, being small scale and a temporary siting. The establishment of a compound is also considered acceptable in terms of wider environmental and residential amenity impact, given the working hours would be restricted and being sufficiently distant from any neighbouring residential properties. The proposal would have negligible impact on surface water flooding, given it would be no worse than the existing hard surface area of the carpark, and would be acceptable in terms of highway safety impacts, given the site is served by an existing carpark entrance, impacting parking provision temporarily, with the compound operating for a period of 12 months. Hence the proposed development is considered to accord with the relevant policies of the development plan and the NPPF.

## **16. Recommendation**

16.1 Grant 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 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.

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.

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/FUL/2025/06651                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Pavement opposite 66-67 The Esplanade Weymouth DT4 8DE                                      |
| <b>Proposal:</b>           | Installation of 1no. BT Street Hub and removal of associated BT payphone                    |
| <b>Applicant name:</b>     | Verity Cheyne                                                                               |
| <b>Case Officer:</b>       | Rob Piggot                                                                                  |
| <b>Ward Member(s):</b>     | Cllr Orrell                                                                                 |

**1. Reason application is going to committee:** The application site is land owned by Dorset Council.

**2. Summary of recommendation:**

**2.1** Refuse 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 W13, W39, W44 and W45 and chapters 10 and 16 of the National Planning Policy Framework.

**3. Key planning issues**

| Issue                                             | Conclusion                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development                          | Supported by Local Plan policy SUS2, however, would not be in accordance with Local Plan policy COM10, which requires demonstration that the 5G and Wi-Fi proposed would not be possible through other means.                                                                                 |
| Scale, design, impact on character and appearance | The proposed unit is considered to be in relatively close proximity to recently installed LED advertising units of similar size and function. It is considered that the unit would result in the proliferation of advertising and increase both physical and visual clutter on the promenade. |

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impact on the living conditions of the occupants and neighbouring properties | The BT Hub would not be harmful to residential amenity, given the separation distance and north/south orientation of the unit.                                                                                                                                                                                                                                                                   |
| Impact on landscape or heritage assets                                       | The scheme would be located in a sensitive historic area, in Weymouth Town Centre Conservation Area. It is considered that the unit would harm the significance of the Conservation Area, being detrimental to the street scene due to the height, mass, colour and illumination of the proposed structure and predominantly due to the accumulation of visual clutter in this historic setting. |
| Flood risk and drainage                                                      | Whilst the unit would be located in Zone 3 flood risk area, it would be a less vulnerable development and is not considered to lead to further risk of flooding.                                                                                                                                                                                                                                 |
| Economic benefits                                                            | The provision of Wi-Fi would be of benefit to the tourist offering for Weymouth, with increased 5G coverage improving mobile connectivity for both personal and business use, along the Esplanade.                                                                                                                                                                                               |
| Highway impacts, safety, access and parking                                  | The proposal would be acceptable in terms of impact to highway safety, with conditions required to ensure the units would not be distracting to road users.                                                                                                                                                                                                                                      |
| Crime / Policing                                                             | The unit would be acceptable, where a Anti-Social Behaviour Management Plan is conditioned.                                                                                                                                                                                                                                                                                                      |
| Environmental Implications                                                   | Given the scale and nature of the proposal, it is not considered there would be any environmental or ecological impacts.                                                                                                                                                                                                                                                                         |

#### 4. Description of site

- 4.1 The application site is located on the promenade/walkway which runs along the northern side of The Esplanade, being in the middle of the promenade, opposite 66 & 67 The Esplanade, and King's Statue (George III), with the café/kiosk known as The View being approximately 20m to the southeast. It is within Weymouth's Defined Development Boundary (DDB), the Weymouth Town Centre Strategy Area (WEY1), and The Esplanade South (WEY5).
- 4.2 The site is within Weymouth Town Centre Conservation Area, and within proximity of numerous listed buildings. These include Johnstone Row (Grade II), Statue House (Grade II\*) and King's Statue (George III) (Grade I). The Weymouth Town Centre Conservation Area Character Appraisal (2012) shows a number of key views in the local area, particularly from the beach towards the Esplanade.
- 4.3 The site is identified in the Strategic Flood Risk Assessment and the Environment Agency's National Flood Maps for Planning as being at risk of flooding now and in the future.

#### 5. Description of Development

- 5.1 Planning permission is sought to replace an existing payphone kiosk with an illuminated LED advertising unit which incorporates Wi-Fi and 5G technologies, known as a 'BT Street Hub'. The proposed hub would be approximately 1.2m W x 2.98m H x 0.35m D. The existing telephone kiosk/booth to be removed is approximately 0.9m W x 2.2m H.
- 5.2 It has been confirmed during the life of the application that the unit would provide 5G and Wi-Fi transmission/coverage. Wi-Fi coverage would cover an approximately 150m radius, and 5G coverage would be approximately 150m – 200m. These would be activated upon installation and would come at no cost to the Local Authority or end user.

## 6. Background and relevant planning history

P/PAP/2022/00737 - Decision: RES - Decision Date: 17/05/2023

Street hub unit

P/ADV/2024/02760 - Decision: GRA - Decision Date: 05/07/2025

Install internally illuminated double sided digital advertising panel to replace existing advertising drum

P/PAP/2025/00516 - Decision: RES - Decision Date: 20/08/2025

Proposed Street Hubs

## 7. List of constraints

Grade: II\* Listed Building: STATUE HOUSE, JOHNSTONE ROW (TERRACE) List Entry: 1038260; - Distance: 16.22

Grade: II Listed Building: JOHNSTONE ROW (TERRACE) List Entry: 1038259; - Distance: 23.65

Weymouth Town Centre Conservation Area

LP - WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre

LP - SUS2; Defined Development Boundary; Weymouth

LP - WEY5; The Esplanade (South); The Esplanade (South)

LP - ENV 4; Area of Archaeological Potential; Town Centre North of Harbour, Weymouth -

Dorset Council Land Freehold: Weymouth Beach Promenade from Weymouth Pavilion to Brunswick Terrace, Weymouth - Reference FH004434

Dorset Council Land Freehold: Weymouth Beach from Alexandra Gardens to Brunswick Terrace, Weymouth - Reference FH004439

Natural England - RAMSAR - Distance: 3140.8

Special Area of Conservation (SAC) (5km buffer): Isle of Portland to Studland Cliffs (UK0019861); - Distance: 3057.02

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3120.71

Special Area of Conservation (SAC) (5km buffer): Crookhill Brick Pit (UK0030349); - Distance: 3489.67

Site of Special Scientific Interest (SSSI) impact risk zone

Flood Zone 3 (record ID 11253093.0)

EA - Spatial Flood Defences

Flood Risk Zone 3a

SFRA 2 Boundary

Portland heliport consultation zone (within 13km) - Distance: 4766.17

## 8. Consultations

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

### Consultees

**1. Dorset Council – Highways:** No objection, however concerns with the light levels/brightness both during daytime and nighttime. Level of illumination to be reduced to match ambient levels, not a constant 5000cd/m2, with night levels to be 300cd/m2. Note that there should be a mechanism to default to a blank screen in the event of malfunction/when not in use.

Recommend that a condition be placed to prevent intermittent/flashing lights, exposed cold cathode tubing, animation or reflective material, and that a lighting scheme be submitted to the Local Planning Authority for agreement.

**2. Dorset Council - Env. Services - Protection:** No adverse comment.

**3. Dorset Council - Conservation Officers:** There is no objection to the removal of the existing BT Payphone. However, the proposed installation of 1no. BT Street Hub is considered detrimental to the street scene due to the height, mass, colour, animation and illumination of the proposed structure and predominantly due to the accumulation of visual clutter in this historic setting. The proposal would not enhance the historic promenade, would have a negative impact on the neighbouring heritage assets and would have a detrimental effect on the special character and appearance of the Conservation Area.

**4. Dorset Council - Asset & Property:** No comments received.

**5. Dorset Council Telecommunications Lead:** Significant degradation in user-experience from all four mobile phone networks during summer months. Connectivity in Weymouth Town Centre would be beneficial, with significant number of visitors, businesses and residents, and would support digital inclusion. Any Wi-Fi, 5G should be correct technology and to be maintained by provider.

**6. Environment Agency:** This application does not fall within the criteria set out in our External Consultation Checklist which defines the planning applications we should be consulted on. We therefore consider we should not be consulted, and we will not be providing any comments on this proposal.

### **7. Dorset Police Architectural Liaison Officer**

Concerns raised as follows:

- Where free Wi-Fi is available, it can attract groups of people who then act anti-socially
- The proposed locations fall within areas with higher-than-average rates of crime and ASB
- Colleagues in other police forces have advised that there have been incidents of misuse of the 999-call button, mainly in city centre or high traffic locations in the night-time economy.
- The ability to make free calls could allow abuse of that service, including the hubs being used to facilitate the distribution of drugs or nuisance calls, particularly for domestic

abuse/stalking victims. It is noted that incoming calls have been deactivated, thus preventing misuse for drug distribution.

- The hubs are solid units and would therefore block natural, formal and informal surveillance (including CCTV) and offer a hiding opportunity for offenders.
- No consultation/contact has been made with Dorset Police to date, despite identifying as such in the Anti-Social Management plan submitted.

Whilst Dorset Police does not formally object to this planning application of BT Street Hub installations in principle, at this stage, in order to ensure Dorset Council is able to comply with its duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour. Conditions are recommended, they being the activation of integrated CCTV camera; Strict compliance with Street Hub Anti-Social Behaviour Management Plan; Removal of existing BT Payphone.

**8. Weymouth Town Council:** The Council objects to the application on the grounds of layout and density, design, visual appearance and materials, and the impact on the Conservation Area. This is subject to Weymouth not losing out on Wi-Fi enhancement.

**9. Melcombe Regis Ward Member:** No comments received.

**10. Historic England:** We suggest that you seek the views of your specialist conservation and archaeological advisers.

### **Representations received**

1 objection has been received and 1 comment.

#### **Summary of comments of objections:**

- While some "useful" features -Wi-Fi, public information ads may be included to make it palatable, it will be essentially be a brightly lit screen scrolling advertisement.
- The units would be a distraction, and are in total contrast to the old buildings, the Victorian shelters, the simple wooden cafes and decks.

#### **Summary of comments of support:**

- None

#### **Summary of comments:**

- The image shows a charcoal coloured device, other screens on the promenade are in the "Weymouth blue" to match the local area colour scheme and to be less visually obtrusive in the Conservation Area. If approved, it is hoped that it is conditioned that the device be the correct colour in this sensitive area.

## **9. Duties**

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **10. Relevant policies**

### Development plan

In this case the development plan comprises:

#### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

INT1: Presumption in favour of sustainable development

ENV4: Heritage assets

ENV5: Flood risk

ENV10: The landscape and townscape setting

ENV12: The design and positioning of buildings

ENV14: Shopfronts & advertisements

ENV15: Efficient and appropriate use of land

ENV16: Amenity

SUS2: Distribution of development

ECON4: Retail and Town Centre Development

COM7: Creating a safe & efficient transport network

COM10: The Provision of utilities services infrastructure

WEY1: Town Centre Strategy

WEY5: The Esplanade (South)

#### **Made Neighbourhood Plans**

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026):

W13: Panoramas, Vistas and Views

W14: Development Boundaries

W34: Sustainable Development

W39: Weymouth Town Centre

W44: Design

W45: Heritage Assets

W46: Transport and Travel

### Material considerations

#### **Emerging local plans:**

Paragraph 49 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).

### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

### **Local Nature Recovery Strategy**

### **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:  
  
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.  
  
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

### **Other material considerations**

Historic England: Streets For All (2018)

### **National Planning Practice Guidance**

All of Dorset:

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

## 11. Human rights

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

## 12. Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The Street Hub proposed is not of such a size that it would block or prevent access to pavement by those with buggies or using a wheelchair/mobility scooter.

## 13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| What                                                                                                                                                                                                | Amount / value |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Material considerations                                                                                                                                                                             |                |
| Improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth.                                                             |                |
| Improved digital inclusion                                                                                                                                                                          |                |
| Improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging. |                |
| Potential for improved environmental monitoring, through air/odour testing.                                                                                                                         |                |

| What                        | Amount / value |
|-----------------------------|----------------|
| Non material considerations |                |
| None identified.            |                |

#### 14. Planning Assessment

##### Principle of development

- 14.1 The development would be located within the Weymouth Defined Development Boundary (DDB) and therefore would be supported by policy SUS2 in the Local Plan.
- 14.2 Policy COM10 of the local plan specifically refers to telecommunications development, saying it will be supported, provided:
- *‘the development will not be unduly detrimental to the appearance of the locality, particularly in sensitive areas of landscape, nature conservation or townscape importance; and*
  - *the applicant has demonstrated that there is a need for the technology and that all technically feasible alternatives have been explored and that the application proposal results in the least visual harm.*
- 14.3 The National Planning Policy Framework (NPPF) says at paragraph 119 that “planning policies and decision should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”
- 14.4 Paragraph 120 goes on to say “The number of radio and electronic communications masts, and the site for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”
- 14.5 In terms of demonstrating there is a need for the telecommunications technology, it is considered that this would not be a relevant consideration with regard to the installation of 5G and Wi-Fi, as paragraph 123 of Chapter 10 of the NPPF clearly states that councils are *‘not to question the need for an electronic communications system’*. As such that part of policy COM10 is considered to be out of date. In addition, whilst paragraph 119 of the NPPF says that planning decisions should support the expansion of electronic communications networks, it is considered that the units would not be operating solely as communications systems, with the LED advertising panels being an integral function of each unit.
- 14.6 Whilst the applicant isn’t required to demonstrate the need for the 5G and Wi-Fi technology they are encouraged, in accordance with paragraph 120 of the NPPF, to keep sites to a minimum and to explore the use of existing masts, buildings and other structures. In accordance with Policy COM10 the applicant should demonstrate that they have explored all technically feasible alternatives and that the least visually harmful site has been chosen. As part of this application the applicant has not submitted any information to demonstrate that all other alternatives for the provision of the 5G technology have been explored, and that this site represents the least visually harmful.
- 14.7 The proposed BT Hub is considered to have a detrimental impact on the appearance of the Esplanade and promenade, as a sensitive area of townscape importance. Whilst the removal of an existing telephone kiosk would be considered a betterment, the proposed hubs are 36% higher, at 3m, compared to 2.2m, and 33% wider at 1.2m, compared to 0.9m.

The units would also include LED panels on either side, which would be utilised for advertising purposes. Whilst it is acknowledged that LED panel units have been approved and installed in close vicinity along the Esplanade, under application P/ADV/2024/02760, it is considered that the BT Hub would be in close proximity to these other units recently installed, both physically and visually, and that the cumulative effect would appear as a proliferation of this form of technology, cluttering the promenade and being harmful to the setting of heritage assets in close proximity (this will be further considered later in this report). It should be noted that this proposal is also subject to a separate application for advertisement consent, under P/ADV/2025/06384.

- 14.8 The BT Hub unit is considered to deliver public benefits, through the transmission of 5G and Wi-Fi coverage, and it has been confirmed by the Council's Telecommunications Lead that Weymouth has capacity issues in regard to both of these technologies. Telecommunications are defined as Community Infrastructure in the West Dorset, Weymouth and Portland Local Plan (2015). These public benefits would be both social and economic and would take the form of:
- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
  - improved digital inclusion
  - improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
  - potential for improved environmental monitoring, through air/odour testing
- 14.9 It should be noted that existing LED advertising units along The Esplanade do also offer emergency service alert facilities, however, they do not include 999 calling facilities or the other public benefits identified above.
- 14.10 Therefore, whilst the proposal would accord with Local Plan policy SUS2, and would provide public benefits, it is not considered that the proposal would accord with policy COM10 given that it has not been demonstrated that technically feasible alternatives, which create less visual harm, have been explored. There is also conflict with paragraph 120 of the NPPF where it encourages the use of existing masts, buildings and other structures for new electronic communications capability.

#### Design and Character

- 14.11 The BT Hub is proposed to be located in a highly visible and sensitive area of The Esplanade, being within a high footfall area of the promenade, located at a key pedestrian junction of The Esplanade, in the wider setting of King George III statue. Further to this, the newly adopted Weymouth Neighbourhood Plan identifies The Esplanade as an important landscape feature, with the location of the BT Hub falling within a Key View Direction from Viewpoint V11 (Map15D in the Neighbourhood Plan). It is noted that The Esplanade, promenade and surrounding area can be characterised as illuminated during evening, nighttime, with various forms of street lighting in close proximity.
- 14.12 The proposal would result in the removal of an existing phone kiosk, however, as previously noted in 14.7 the proposed BT Hub unit would be sited in close proximity to an almost identical advertising unit, installed approximately 35m to the south of the proposed unit, with another approximately 60m to the north. It is considered that, cumulatively, they would appear as a proliferation of advertising on the promenade. Whilst it is acknowledged that the wider setting of the proposed unit would be characterised as illuminated, it is considered that the BT Hub would be read alongside the existing LED advertising units, thus cluttering the street scene, public realm and historical setting.
- 14.13 The proposal is considered to cause harm by virtue of its siting, scale, colour and illumination, and therefore it is not considered that the proposal contributes positively to the local identity and distinctiveness of the promenade, nor does it harmonise with the positive

character of the area. The proposal would therefore not accord with Local Plan Policies ENV10, ENV12, ENV14 and WEY1, nor Weymouth Neighbourhood Plan policies W13 and W44.

#### Heritage Impact

- 14.14 The proposal would be in the Weymouth Town Centre Conservation Area and would be in the setting of several heritage assets: King George III Statue (Grade I), 66-67 The Esplanade Johnstone Row (Grade II) and various Victorian Shelters along The Esplanade. The Weymouth Town Centre Conservation Area Character Appraisal (2012) shows a key view and a 'townscape effect' adjacent to the site. The significance of this part of the CA can be summarised as The Esplanade providing an important example of late Georgian town planning, related firmly to the sea and the historic uses of the late 18th and early 19th century that has defined the character of The Esplanade, which has been, and continues to be, associated with visitors, entertainment, leisure and fun. As such the CA is considered to have historic, architectural and communal/social heritage significance. Furthermore, the quality of The Esplanade and its bay have been recognised and appreciated since the start of noble and royal patronage of the Georgian resort and as such is considered to have aesthetic heritage significance. The CA appraisal sets out that *"The Esplanade is of national significance in the history of the seaside resort and in terms of social history"*.
- 14.15 The Council's Conservation officer has reviewed the proposal and has raised concerns with the height, mass, colour, animation and scale of the proposed structure, not being in accordance with the street furniture colour scheme along The Esplanade, and more specifically, being located between 2 no. existing LED advertising units. They state that: *'From my site visit it is evident that there are already many similar advertising boards along this historic promenade. Some are positioned closer than others, but several are visible in any one view.'* They further state that: *The height, mass, animated and illuminated form of the proposal would add a prominent and imposing feature to the Esplanade. The existing internally illuminated double sided digital advertising panels are already having an impact on the street scene, and it is considered that this proposal and would create an unacceptable accumulation of visual clutter in a prominent and historic location. Furthermore, the proposal would further impede views of the promenade and Esplanade buildings from the walkway and the Victorian shelters.'*
- 14.16 The Conservation Officer summarises that: *'Based on the assessment detailed below, there is no objection to the removal of the existing BT Payphone. However, the proposed installation of 1no. BT Street Hub is considered detrimental to the street scene due to the height, mass, colour, animation and illumination of the proposed structure and predominantly due to the accumulation of visual clutter in this historic setting. The proposal would not enhance the historic promenade, would have a negative impact on the neighbouring heritage assets and would have a detrimental effect on the special character and appearance of the Conservation Area'*. They then go on to conclude that the proposal would cause less than substantial harm, and that the public benefits would not outweigh this harm.
- 14.17 Given the significance of the Esplanade, as a key feature of Weymouth and the Conservation Area, the Conservation Officer's view is considered proportionate, and it is considered that the proposed BT Hub would lead to less than substantial harm to the Conservation Area. However, given distance and visual separation between the proposed unit and various individual heritage assets it is not considered that there would be harm to the setting of either King George Statue (40m to the west), the Victorian Shelter (75m to the south) nor 66-67 The Esplanade Statue House/Johnstone Row (20m to west). This notwithstanding, as has previously been identified in Section 13 above and paragraph 14.8, there are considered to be public benefits associated with the scheme. However, it is not considered that these public benefits outweigh the less than substantial harm identified.
- 14.18 On this basis the scheme is not considered to accord with Local Plan policy ENV4, Weymouth Neighbourhood Plan policies W13, W44 and W45, or Chapter 16 of the NPPF.

In reaching this conclusion regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity

- 14.19 The proposed BT Hub is considered to be acceptable in terms of impact to residential amenity, given that the unit would be oriented with the panels facing north and south. It is noted that the unit would allow for calling and there would be an audible element, however, it is not considered that this would be any worse than the general noise found on The Esplanade itself, with a road separating the unit from tourist and residential accommodation to the west.
- 14.20 The Environmental Health Team have reviewed the proposal and have no comments to make.
- 14.21 Notwithstanding the low level of impact to neighbouring properties, if the scheme were to be granted consent, then it is recommended that the lighting be controlled by way of a lighting management plan, to be agreed by the Local Planning Authority.

#### Flooding

- 14.22 The application site is subject to a higher risk of flooding, being within Flood Zone 3 in the National Flood Risk Assessment 2. That notwithstanding, the proposal is for a less vulnerable class of development, not being habitable, replacing a similar development, a phone kiosk, being on an area of existing hardstanding. The proposal is therefore not considered to pose any risk to safety and would accord with policy ENV5 of the Local Plan.

#### Highway Safety

- 14.23 The Highway Authority have reviewed the proposal and have stated that it would appear acceptable in principle, however this would be subject to conditions to ensure that illumination levels do not lead to a danger to highways safety, being overly bright and thereby distracting. This assessment is considered to be reasonable and proportionate and as such if consent were to be granted a lighting scheme should be agreed by the Local Planning Authority. Due to the size and siting of the unit it is not considered that it would restrict the flow of people moving along the promenade or restricts its width to an unacceptable degree.
- 14.24 On this basis the scheme is considered to accord with Local Plan policy COM7, Weymouth Neighbourhood Plan policy W46.

#### Crime/Policing

- 14.25 Comments have been received from Dorset Police, raising concerns that the BT Hub could be used for criminal purposes, and lead to an increase in anti-social behaviour, in an area which has a higher-than-average rate of crime and anti-social behaviour. It is suggested that the Wi-Fi and free calling facilities could lead to nuisance calls, and the solicitation of drugs. This notwithstanding, it is considered that the unit would also be of benefit where it would provide a facility for emergency calling, alongside the public benefits from Wi-Fi and 5G improvements, furthermore, an Anti-Social Behaviour Management Plan has been submitted, and this would be conditioned as part of any consent granted. Whilst it is assumed that CCTV is in operation along The Esplanade, Dorset Police have recommended that any integrated camera within the BT Hub be activated when installed, to ensure the monitoring of any calling of 999. They also request the removal of the existing BT payphone. Lastly, concerns have been raised with regard to the potential for the proposed Street Hub to block or obstruct site lines and therefore be used by someone to evade or conceal themselves.
- 14.26 Local Plan policy WEY5 makes reference to anti-social behaviour in the area which the unit would be located and therefore weight should be given to related concerns. In this regard, it is accepted that the submitted Anti-Social Management Plan would be the appropriate manner in which to address these concerns. Whilst it may be the case that the new street

hub could be used for concealment, and that nuisance calls may be made from it, it should be noted that this could be achieved now, given the existing phone box remains in situ. The removal of the existing phone kiosk would be conditioned as part of any planning permission, given this application is for the replacement of that unit.

#### Other Matters

- 14.27 It should be noted that the matter of the loss of economic benefits to nearby advertising units, through the introduction of a competitor, would not be a material consideration in this planning assessment.
- 14.28 In terms of public health and non-ionising radiation protection, a statement of conformity with public radio frequency guidelines has been provided.

#### **15. Environmental implications**

- 15.1 Given the type and small-scale nature of the proposed development it is not considered that there would be any significant environmental impact as a result.

#### **16. Planning Balance**

- 16.1 It is considered that for the reasons set out above that the development would have an acceptable impact in terms of flood risk and subject to conditions would have an acceptable impact on highway safety and residential amenity in accordance with the relevant policies of the development plan. Subject to a planning condition requiring the implementation of the anti-social behaviour management plan the development is not considered to likely result in an unacceptable impact in respect of crime and anti-social behaviour.
- 16.2 The development would result in the public benefits of:
- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
  - improved digital inclusion
  - improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
  - potential for improved environmental monitoring, through air/odour testing
- 16.3 The proposed development would be located within the Weymouth Town Centre Conservation Area in what is identified in both the Conservation Area Appraisal and the Weymouth Neighbourhood Plan as a key view. The significance of this part of the CA can be summarised as The Esplanade providing an important example of late Georgian town planning, related firmly to the sea and the historic uses of the late 18th and early 19th century that has defined the character of The Esplanade, which has been, and continues to be, associated with visitors, entertainment, leisure and fun. As such the CA is considered to have historic, architectural and communal/social heritage significance. Furthermore, the quality of The Esplanade and its bay have been recognised and appreciated since the start of noble and royal patronage of the Georgian resort and as such is considered to have aesthetic heritage significance. The CA appraisal sets out that *“The Esplanade is of national significance in the history of the seaside resort and in terms of social history”*.
- 16.4 It is considered that the proposed development by reason of its siting, height, mass, design and appearance (including colour) would add to the proliferation of street furniture (despite the removal of the existing telephone box) and other paraphernalia on the sea front and as a result of the inbuilt LED advertisement screens would be a visually prominent addition which would be detrimental to the character and appearance of the Conservation Area. This harm is considered to be less than substantial and so in accordance with chapter 16 of the

NPPF consideration must be given to whether the public benefits would outweigh the identified harm.

- 16.5 Whilst public benefits have been identified and could be secured by planning condition it is not considered that the applicant has demonstrated that there are no alternative means of providing those benefits in a way which would have a less harmful impact. As such the proposed development does not accord with Policy COM10 of the adopted local plan. Given that it has not been demonstrated that the public benefits could not be achieved by other less harmful means the weight to be attached to them is reduced and is considered to be limited weight. It is considered that despite the limited weight which can be attached to the public benefits that is not sufficient to outweigh the less than substantial harm to designated heritage assets. As such the development is contrary to Policies ENV4, ENV10, ENV12, ENV14, WEY1 and COM10 of the adopted local plan, Policies W13, W39, W44 and W45 of the Weymouth Neighbourhood Plan and chapters 10 and 16 of the NPPF.

## **17. Recommendation**

### **17.1 Refuse 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 W13, W39, W44 and W45 and chapters 10 and 16 of the National Planning Policy Framework.

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/ADV/2025/06384                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Pavement opposite 66-67 The Esplanade Weymouth DT4 8DE                                      |
| <b>Proposal:</b>           | Installation of 1no. internally illuminated double sided LCD display screen                 |
| <b>Applicant name:</b>     | Verity Cheyne                                                                               |
| <b>Case Officer:</b>       | Rob Piggot                                                                                  |
| <b>Ward Member(s):</b>     | Cllr Orrell                                                                                 |

**1. Reason application is going to committee:** The application site is land owned by Dorset Council.

**2. Summary of recommendation:**

Refuse 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. 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 W13, W39, W44 and W45 and chapter 16 of the National Planning Policy Framework.

**3. Key planning issues**

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scale, design, impact on character and appearance                            | The proposed unit is considered to be in relatively close proximity to recently installed LED advertising units of similar size and function. It is considered that the unit would result in the proliferation of advertising and increase both physical and visual clutter on the promenade.    |
| Impact on the living conditions of the occupants and neighbouring properties | The BT Hub would not be harmful to residential amenity, given the separation distance and north/south orientation of the unit.                                                                                                                                                                   |
| Impact on landscape or heritage assets                                       | The scheme would be located in a sensitive historic area, in Weymouth Town Centre Conservation Area. It is considered that the unit would harm the significance of the Conservation Area, being detrimental to the street scene due to the height, mass, colour and illumination of the proposed |

| Issue                                       | Conclusion                                                                                                                                                                                         |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | structure and due to the accumulation of visual clutter in this historic setting.                                                                                                                  |
| Economic benefits                           | The provision of Wi-Fi would be of benefit to the tourist offering for Weymouth, with increased 5G coverage improving mobile connectivity for both personal and business use, along the Esplanade. |
| Highway impacts, safety, access and parking | The proposal would be acceptable in terms of impact to highway safety, with conditions required to ensure the units would not be distracting to road users.                                        |
| Crime / Policing                            | The unit would be acceptable, where an Anti-Social Behaviour Management Plan is conditioned.                                                                                                       |

#### 4. Description of site

- 4.1 The application site is located on the promenade/walkway which runs along the northern side of The Esplanade, being in the middle of the promenade, opposite 66 & 67 The Esplanade, and King's Statue (George III), with the café/kiosk known as The View being approximately 20m to the southeast. It is within Weymouth's Defined Development Boundary (DDB), the Weymouth Town Centre Strategy Area (WEY1), and The Esplanade South (WEY5).
- 4.2 The site is within Weymouth Town Centre Conservation Area, and in proximity of numerous listed buildings. These include Johnstone Row (Grade II), Statue House (Grade II\*) and King's Statue (George III) (Grade I). The Weymouth Town Centre Conservation Area Character Appraisal (2012) shows a number of key views in the local area, particularly from the beach towards the Esplanade.

#### 5. Description of Development

- 5.1 Advertisement Consent is sought to replace an existing payphone kiosk with an illuminated LED advertising unit which incorporates Wi-Fi and 5G technologies, known as a 'BT Street Hub'. The proposed hub would be approximately 1.2m W x 2.98m H x 0.35m D. The existing telephone kiosk/booth to be removed is approximately 0.9m W x 2.2m H.
- 5.2 It has been confirmed during the life of the application that the unit would provide 5G and Wi-Fi transmission/coverage. Wi-Fi coverage would cover an approximately 150m radius, and 5G coverage would be approximately 150m – 200m. These would be activated upon installation and would come at no cost to the Local Authority or end user.

#### 6. Background and relevant planning history

P/PAP/2022/00737 - Decision: RES - Decision Date: 17/05/2023

Street hub unit

P/ADV/2024/02760 - Decision: GRA - Decision Date: 05/07/2025

Install internally illuminated double sided digital advertising panel to replace existing advertising drum

## 7. List of constraints

Grade: II\* Listed Building: STATUE HOUSE, JOHNSTONE ROW (TERRACE) List Entry: 1038260; - Distance: 16.22

Grade: II Listed Building: JOHNSTONE ROW (TERRACE) List Entry: 1038259; - Distance: 23.65

Weymouth Town Centre Conservation Area

LP - WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre

LP - SUS2; Defined Development Boundary; Weymouth

LP - WEY5; The Esplanade (South); The Esplanade (South)

LP - ENV 4; Area of Archaeological Potential; Town Centre North of Harbour, Weymouth - Dorset Council Land Freehold: Weymouth Beach Promenade from Weymouth Pavilion to Brunswick Terrace, Weymouth - Reference FH004434

Dorset Council Land Freehold: Weymouth Beach from Alexandra Gardens to Brunswick Terrace, Weymouth - Reference FH004439

Natural England - RAMSAR - Distance: 3140.8

Special Area of Conservation (SAC) (5km buffer): Isle of Portland to Studland Cliffs (UK0019861); - Distance: 3057.02

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3120.71

Special Area of Conservation (SAC) (5km buffer): Crookhill Brick Pit (UK0030349); - Distance: 3489.67

Site of Special Scientific Interest (SSSI) impact risk zone

Flood Zone 3 (record ID 11253093.0)

EA - Spatial Flood Defences

Flood Risk Zone 3a

SFRA 2 Boundary

Portland heliport consultation zone (within 13km) - Distance: 4766.17

## 8. Consultations

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

### Consultees

- 1. Dorset Council - Highways** No objection, however concerns with the light levels/brightness both during daytime and nighttime. Level of illumination to be reduced to match ambient levels, not a constant 5000cd/m<sup>2</sup>, with night levels to be 300cd/m<sup>2</sup>. Note that there should be a mechanism to default to a blank screen in the event of malfunction/when not in use.

Recommend that a condition be placed to prevent intermittent/flashing lights, exposed cold cathode tubing, animation or reflective material, and that a lighting scheme be submitted to the Local Planning Authority for agreement.

**2. Dorset Council - Asset & Property** No comments received.

**3. Dorset Council Conservation Officer** There is no objection to the removal of the existing BT Payphone. However, the proposed installation of 1no. BT Street Hub is considered detrimental to the street scene due to the height, mass, colour, animation and illumination of the proposed structure and predominantly due to the accumulation of visual clutter in this historic setting. The proposal would not enhance the historic promenade, would have a negative impact on the neighbouring heritage assets and would have a detrimental effect on the special character and appearance of the Conservation Area.

**4. Dorset Council Telecommunications Lead:** Significant degradation in user-experience from all four mobile phone networks during summer months. Connectivity in Weymouth Town Centre would be beneficial, with significant number of visitors, businesses and residents, and would support digital inclusion. Any Wi-Fi, 5G should be correct technology and to be maintained by provider.

**5. Dorset Council - Env. Services - Protection:** No adverse comment.

**6. Weymouth Town Council** The Council objects to the application on the grounds of layout and density, design, visual appearance and materials, and the impact on the Conservation Area. This is subject to Weymouth not losing out on WiFi enhancement.

**7. Melcombe Regis Ward Member** No comments received.

**8. Dorset Police Architectural Liaison Officer**

Concerns raised as follows:

- Where free Wi-Fi is available, it can attract groups of people who then act anti-socially
- The proposed locations fall within areas with higher-than-average rates of crime and ASB
- Colleagues in other police forces have advised that there have been incidents of misuse of the 999-call button, mainly in city centre or high traffic locations in the night-time economy.
- The ability to make free calls could allow abuse of that service, including the hubs being used to facilitate the distribution of drugs or nuisance calls, particularly for domestic abuse/stalking victims. It is noted that incoming calls have been deactivated, thus preventing misuse for drug distribution.
- The hubs are solid units and would therefore block natural, formal and informal surveillance (including CCTV) and offer a hiding opportunity for offenders.
- No consultation/contact has been made with Dorset Police to date, despite identifying as such in the Anti-Social Management plan submitted.

Whilst Dorset Police does not formally object to this planning application of BT Street Hub installations in principle, at this stage, in order to ensure Dorset Council is able to comply with its duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour. Conditions are recommended, they being the activation of integrated CCTV camera; Strict compliance with Street Hub Anti-Social Behaviour Management Plan; Removal of existing BT Payphone.

## **9. Duties**

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **10. Relevant policies**

### Development plan

In this case the development plan comprises:

### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- ENV4: Heritage assets
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV14: Shopfronts & advertisements
- ENV16: Amenity
- COM7: Creating a safe & efficient transport network
- WEY1: Town Centre Strategy

### **Made Neighbourhood Plans**

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026):

- W13: Panoramas, Vistas and Views
- W39: Weymouth Town Centre
- W44: Design
- W45: Heritage Assets
- W46: Transport and Travel

### Material considerations

### **Emerging local plans:**

Paragraph 49 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).

### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 ‘Decision making’: Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 ‘Achieving well designed places’ This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Paragraph 141 - The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- Section 16 ‘Conserving and Enhancing the Historic Environment’- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

### **Other material considerations**

#### **National Planning Practice Guidance**

All of Dorset:

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

## **11. Human rights**

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

## **12. Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The Street Hub proposed is not of such a size that it would block or prevent access to pavement by those with buggies or using a wheelchair/mobility scooter.

## **13. Public Benefits**

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| What                                                                                                                                                                                                | Amount / value |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Material considerations                                                                                                                                                                             |                |
| Improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth.                                                             |                |
| Improved digital inclusion                                                                                                                                                                          |                |
| Improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging. |                |

| What                                                                        | Amount / value |
|-----------------------------------------------------------------------------|----------------|
| Potential for improved environmental monitoring, through air/odour testing. |                |
| Non material considerations                                                 |                |
| None identified.                                                            |                |

## 14. Planning Assessment

- 14.1 The application is for advertisement consent and therefore the only considerations in the determination of the application are amenity and public safety.

### Design and Character

- 14.2 The BT Hub is proposed to be located in a highly visible and sensitive area of The Esplanade, being within a high footfall area of the promenade, located at a key pedestrian junction of The Esplanade, in the setting of King George III statue. Further to this, the newly adopted Weymouth Neighbourhood Plan identifies The Esplanade as an important landscape feature, with the location of the BT Hub falling within a Key View Direction from Viewpoint V11. It is noted that The Esplanade, promenade and surrounding area can be characterised as illuminated during evening, nighttime, with various forms of street lighting in close proximity.
- 14.3 The proposal would result in the removal of an existing phone kiosk; however, the proposed BT Hub unit would be sited in close proximity to an almost identical advertising unit, installed approximately 35m to the south of the proposed unit, with another approximately 60m to the north. It is considered that, cumulatively, they would appear as a proliferation of advertising on the promenade. Whilst it is acknowledged that the wider setting of the proposed unit would be characterised as illuminated, it is considered that the BT Hub would be read alongside the existing LED advertising units, thus cluttering the street scene, public realm and historical setting.
- 14.4 The proposal is considered to cause harm by virtue of its siting, scale, colour and illumination, and therefore it is not considered that the proposal contributes positively to the local identity and distinctiveness of The Esplanade, nor does it harmonise with the positive character of the area. The proposal would therefore not accord with Local Plan Policy ENV10, ENV12, ENV14 and WEY1, nor Weymouth Neighbourhood Plan policies W13 and W44.

### Heritage Impact

- 14.5 The proposal would be in the Weymouth Town Centre Conservation Area and would be in the setting of several heritage assets: King George III Statue (Grade I), 66-67 The Esplanade Johnstone Row (Grade II) and various Victorian Shelters along The Esplanade. Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that due consideration be given to the significance, appearance and character of listed buildings and Conservation Area which may be affected.
- 14.6 The Weymouth Town Centre Conservation Area Character Appraisal (2012) shows a key view and a 'townscape effect' adjacent to the site. The significance of this part of the CA can be summarised as The Esplanade providing an important example of late Georgian town planning, related firmly to the sea and the historic uses of the late 18th and early 19th century that has defined the character of The Esplanade, which has been, and continues to

be, associated with visitors, entertainment, leisure and fun. As such the CA is considered to have historic, architectural and communal/social heritage significance. Furthermore, the quality of The Esplanade and its bay have been recognised and appreciated since the start of noble and royal patronage of the Georgian resort and as such is considered to have aesthetic heritage significance. The CA appraisal sets out that *“The Esplanade is of national significance in the history of the seaside resort and in terms of social history”*.

- 14.7 The Council’s Conservation officer has reviewed the proposal and have raised concerns with the height, mass, colour, animation and scale of the proposed structure, not being in accordance with the street furniture colour scheme along The Esplanade, and more specifically, being located between 2 no. existing LED advertising units. They state that: *‘From my site visit it is evident that there are already many similar advertising boards along this historic promenade. Some are positioned closer than others, but several are visible in any one view.’* They further state that: *‘The height, mass, animated and illuminated form of the proposal would add a prominent and imposing feature to the Esplanade. The existing internally illuminated double sided digital advertising panels are already having an impact on the street scene, and it is considered that this proposal and would create an unacceptable accumulation of visual clutter in a prominent and historic location. Furthermore, the proposal would further impede views of the promenade and Esplanade buildings from the walkway and the Victorian shelters.’*
- 14.8 The Conservation Officer summarises that: *‘Based on the assessment detailed below, there is no objection to the removal of the existing BT Payphone. However, the proposed installation of 1no. BT Street Hub is considered detrimental to the street scene due to the height, mass, colour, animation and illumination of the proposed structure and predominantly due to the accumulation of visual clutter in this historic setting. The proposal would not enhance the historic promenade, would have a negative impact on the neighbouring heritage assets and would have a detrimental effect on the special character and appearance of the Conservation Area’*. They then go on to conclude that the proposal would cause less than substantial harm, and that the public benefits would not outweigh this harm.
- 14.9 Given the significance of the Esplanade, as a key feature of Weymouth and the Conservation Area, the Conservation Officer’s view is considered proportionate and it is considered that the proposed BT Hub would lead to less than substantial harm to the Conservation Area. However, given distance and/or visual separation between the proposed unit and various individual heritage assets it is not considered that there would be harm to the setting of either King George Statue (40m to the west), the Victorian Shelter (75m to the south) nor 66-67 The Esplanade Statue House/Johnstone Row (20m to west). This notwithstanding, as has previously been identified in Section 13 above there are considered to be public benefits associated with the scheme. However, it is not considered that these public benefits outweigh the less than substantial harm identified.
- 14.10 On this basis the scheme is not considered to accord with Local Plan policy ENV4, Weymouth Neighbourhood Plan policies W39 and W45 and Chapter 16 of the NPPF. In reaching this conclusion regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity

- 14.11 The proposed BT Hub is considered to be acceptable in terms of impact to residential amenity, given that the unit would be oriented with the panels facing north and south. It is noted that the unit would allow for calling and there would be an audible element, however, it is not considered that this would be any worse than the general noise found on The Esplanade itself, with a road separating the unit from tourist and residential accommodation to the west.
- 14.11 The Environmental Health Team have reviewed the proposal and have no comments to make.

- 14.12 Notwithstanding the low level of impact to neighbouring properties, if the scheme were to be granted consent, then it is recommended that the lighting be controlled by way of a lighting management plan, to be agreed by the Local Planning Authority.

#### Highway Safety

- 14.13 The Highway Authority have reviewed the proposal and have stated that it would appear acceptable in principle, however this would be subject to conditioning to ensure that illumination levels do not lead to a danger to highways safety, being overly bright and thereby distracting. This assessment is considered to be reasonable and proportionate and as such if consent were to be granted a lighting scheme should be agreed by the Highway Authority and Local Planning Authority.
- 14.14 On this basis the scheme is considered to accord with Local Plan policy COM7 and Weymouth Neighbourhood Plan policy W46.

#### Crime/Policing

- 14.15 Comments have been received from Dorset Police, raising concerns that the BT Hub could be used for criminal purposes, and lead to an increase in anti-social behaviour, in an area which has a higher-than-average rate of crime and anti-social behaviour. It is suggested that the Wi-Fi and free calling facilities could lead to nuisance calls, and the solicitation of drugs. This notwithstanding, it is considered that the unit would also be of benefit where it would provide a facility for emergency calling, alongside the public benefits from Wi-Fi and 5G improvements, furthermore, an Anti-Social Behaviour Management Plan has been submitted, and this would be conditioned as part of any consent granted. Whilst it is assumed that CCTV is in operation on The Esplanade, Dorset Police have recommended that any integrated camera within the BT Hub be activated when installed, to ensure the monitoring of any calling of 999. They have also requested the removal of the existing BT payphone. Lastly, Dorset Police have raised concerns with regard to the potential for the proposed Street Hub to block or obstruct site lines and therefore be used by someone to evade or conceal themselves.
- 14.16 Local Plan policy WEY5 makes reference to anti-social behaviour in the area where the unit would be located and therefore weight should be given to related concerns. In this regard, it is accepted that the submitted Anti-Social Management Plan would be the appropriate manner in which to address these concerns. Whilst it may be the case that the new street hub could be used for concealment, and that nuisance calls may be made from it, it should be noted that this could be achieved now, given the existing phone box remains in situ. The removal of the existing phone kiosk would be conditioned as part of any consent, given this application is for the replacement of that unit.

#### Other Matters

- 14.17 It should be noted that the matter of the loss of economic benefits to nearby advertising units, through the introduction of a competitor, would not be a material consideration in this planning assessment.
- 14.18 In terms of public health and non-ionising radiation protection, a statement of conformity with public radio frequency guidelines has been provided.

### **15. Environmental implications**

- 15.1 Given the type and small-scale nature of the proposed development it is not considered that there would be any significant environmental impact as a result.

### **16. Planning Balance**

- 16.1 It is considered that for the reasons set out above that the development would have subject to conditions an acceptable impact on highway safety and residential amenity in accordance with the relevant policies of the development plan. Subject to a planning condition requiring the implementation of the anti-social behaviour management plan the

development is not considered to likely result in an unacceptable impact in respect of crime and anti-social behaviour.

16.2 The development would result in the public benefits of:

- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
- improved digital inclusion
- improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
- potential for improved environmental monitoring, through air/odour testing

16.3 The proposed development would be located within the Weymouth Town Centre Conservation Area in what is identified in both the Conservation Area Appraisal and the Weymouth Neighbourhood Plan as a key view. The significance of this part of the CA can be summarised as The Esplanade providing an important example of late Georgian town planning, related firmly to the sea and the historic uses of the late 18th and early 19th century that has defined the character of The Esplanade, which has been, and continues to be, associated with visitors, entertainment, leisure and fun. As such the CA is considered to have historic, architectural and communal/social heritage significance. Furthermore, the quality of The Esplanade and its bay have been recognised and appreciated since the start of noble and royal patronage of the Georgian resort and as such is considered to have aesthetic heritage significance. The CA appraisal sets out that *“The Esplanade is of national significance in the history of the seaside resort and in terms of social history”*.

16.4 It is considered that the proposed development by reason of its siting, scale, design, colour and appearance would add to the proliferation of street furniture (despite the removal of the existing telephone box) and other paraphernalia on the sea front and as a result of the inbuilt LED advertisement screens would be a visually prominent addition which would be detrimental to the character and appearance of the Conservation Area. This harm is considered to be less than substantial and so in accordance with chapter 16 of the NPPF consideration must be given to whether the public benefits would outweigh the identified harm.

16.5 Whilst public benefits have been identified and could be secured by planning condition the weight to be attached to these is considered to be limited. It is considered that despite the limited weight which can be attached to the public benefits that is not sufficient to outweigh the less than substantial harm to designated heritage assets. As such the development is contrary to Policy ENV4 of the adopted local plan, Policies W39 and W45 of the Weymouth Neighbourhood Plan and chapter 16 of the NPPF. It would have a detrimental and unacceptable impact on the visual amenity of the area contrary to the development plan policies ENV10, ENV12, ENV14 and WEY1 and Weymouth Neighbourhood Plan Policies W13 and W44.

## 17 Recommendation

17.1 Refuse 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 W13, W39, W44 and W45 and chapter 16 of the National Planning Policy Framework.

# Agenda Item 8

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/FUL/2025/06224                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Pavement outside 104E St Mary Street Weymouth DT4 8NY                                       |
| <b>Proposal:</b>           | Installation of 1no. BT Street Hub and removal of associated BT payphone                    |
| <b>Applicant name:</b>     | Verity Cheyne                                                                               |
| <b>Case Officer:</b>       | Rob Piggot                                                                                  |
| <b>Ward Member(s):</b>     | Cllr Orrell                                                                                 |

1. **Reason application is going to committee:** The application site is land owned/maintained by Dorset Council.
2. **Summary of recommendation:**
  - 2.1 Grant subject to the conditions as set out at the end of this report.
3. **Key planning issues**

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development                                                     | Supported by Local Plan policy SUS2 and COM10.                                                                                                                                                                                                                                                                                                                                                           |
| Scale, design, impact on character and appearance                            | The development would be acceptable, read as a standalone panel, within a busy and already illuminated setting.                                                                                                                                                                                                                                                                                          |
| Impact on the living conditions of the occupants and neighbouring properties | The BT Hub would not be harmful to residential amenity, given the existing level of light and noise. Condition to be applied to ensure lighting meets standards for urban mixed use setting.                                                                                                                                                                                                             |
| Impact on landscape or heritage assets                                       | The scheme would be located in a historic area, in Weymouth Town Centre Conservation Area, and in the setting of the Black Dog Public House. It is considered that the unit would harm the significance of the Conservation Area, and the setting of the Black Dog Public House, however, this harm would be less than substantial, and would be outweighed by public benefits, as listed in Section 13. |
| Flood risk and drainage                                                      | Whilst the unit would be located in a surface water flood risk area, it would be a less vulnerable development and therefore is not considered to lead to further risk of flooding.                                                                                                                                                                                                                      |
| Economic benefits                                                            | The provision of Wi-Fi would be of benefit to the tourist offering for Weymouth, with increased 5G coverage improving mobile connectivity for both personal and business use.                                                                                                                                                                                                                            |

| Issue                                       | Conclusion                                                                                                                                                  |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highway impacts, safety, access and parking | The proposal would be acceptable in terms of impact to highway safety, with conditions required to ensure the units would not be distracting to road users. |
| Crime / Policing                            | The unit would be acceptable, where an Anti-Social Behaviour Management Plan is conditioned.                                                                |
| Environmental Implications                  | Given the scale and nature of the proposal, it is not considered there would be any environmental or ecological impact.                                     |

#### 4. Description of site

- 4.1 The application site is located toward the northern end of St Mary Street, being a pedestrianised thoroughfare in the centre of Weymouth, one block back from The Esplanade. An existing BT phone box is located on the site of the proposed development, with this being slightly off the centre of St Mary Street. The site is within the Weymouth Town Centre Conservation Area and is within the setting of The Black Dog Public House (Grade II\*).
- 4.2 The site is identified in the Strategic Flood Risk Assessment and the Environment Agency's National Flood Risk Maps for Planning as being at risk of flooding now and in the future.

#### 5. Description of development

- 5.1 Planning permission is sought to replace an existing payphone kiosk with an illuminated LED advertising unit which incorporates Wi-Fi and 5G technologies, known as a 'BT Street Hub'. The proposed hub would be approximately 1.2m W x 2.98m H x 0.35m D. The existing telephone kiosk/booth to be removed is approximately 0.9m W x 2.2m H.
- 5.2 It has been confirmed during the life of the application that the unit would provide 5G and Wi-Fi transmission/coverage. Wi-Fi coverage would cover an approximately 150m radius, and 5G coverage would be approximately 150m – 200m. These would be activated upon installation and would come at no cost to the Local Authority or end user.

#### 6. Background and relevant planning history

P/PAP/2022/00737 - Decision: RES - Decision Date: 17/05/2023

Street hub unit

P/PAP/2025/00516 - Decision: RES - Decision Date: 20/08/2025

Proposed Street Hubs

#### 7. List of constraints

Grade: II\* Listed Building: BLACK DOG PUBLIC HOUSE List Entry: 1132631; - Distance: 8.96

Weymouth Town Centre Conservation Area

LP - WEY2; Town Centre and Commercial Road Area; Town Centre and Commercial Road Area

LP - WEY5; The Esplanade (South); The Esplanade (South)

LP - ECON4; Town Centre Areas; Weymouth

LP - ENV 4; Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

LP - WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre

LP - SUS2; Defined Development Boundary; Weymouth

LP - ENV 4; Conservation Area; Town Centre Conservation Area

LP - ECON 4; Primary Shopping Frontage; St Mary Street, Weymouth

LP - ECON4; Primary Shopping Area; Weymouth

Dorset Council Land (Dedicated): Land dedicated for road improvement at 1 St Mary Street, Weymouth - Reference LIN002635

Risk of Surface Water Flooding Extent 1 in 1000

Surface water flooding - 1 in 100 year event plus 20% allowance

Surface water flooding - 1 in 100 year event plus 40% allowance

SFRA 2 Boundary

## **8. Consultations**

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

### **Consultees**

**1. Dorset Council – Highways:** No objection, however concerns with the light levels/brightness both during daytime and nighttime. Level of illumination to be reduced to match ambient levels, not a constant 5000cd/m<sup>2</sup>, with night levels to be 300cd/m<sup>2</sup>. Note that there should be a mechanism to default to a blank screen in the event of malfunction/when not in use.

Recommend that a condition be placed to prevent intermittent/flashing lights, exposed cold cathode tubing, animation or reflective material, and that a lighting scheme be submitted to the Local Planning Authority for agreement.

**2. Dorset Council - Env. Services - Protection:** No adverse comment.

**3. Dorset Council - Conservation Officers:** The proposed replacement due to the height, mass, colour, animation and illumination is not supported. The proposal would be overbearing and imposing within the street scene. The proposal would be considered an unsympathetic addition causing detrimental harm to the setting of the neighbouring Grade II\* Listed building and the Conservation Area.

**4. Dorset Council - Asset & Property:** No comments received.

**5. Dorset Council Telecommunications Lead:** Significant degradation in user-experience from all four mobile phone networks during summer months. Connectivity in Weymouth Town Centre would be beneficial, with significant number of visitors, businesses and residents, and would support digital inclusion. Any Wi-Fi, 5G should be correct technology and to be maintained by provider.

**6. Environment Agency:** This application does not fall within the criteria set out in our External Consultation Checklist which defines the planning applications we should be consulted on. We therefore consider we should not be consulted, and we will not be providing any comments on this proposal.

### **7. Dorset Police Architectural Liaison Officer**

Concerns raised as follows:

- Where free Wi-Fi is available, it can attract groups of people who then act anti-socially
- The proposed locations fall within areas with higher-than-average rates of crime and ASB
- Colleagues in other police forces have advised that there have been incidents of misuse of the 999-call button, mainly in city centre or high traffic locations in the night-time economy.

- The ability to make free calls could allow abuse of that service, including the hubs being used to facilitate the distribution of drugs or nuisance calls, particularly for domestic abuse/stalking victims. It is noted that incoming calls have been deactivated, thus preventing misuse for drug distribution.
- The hubs are solid units and would therefore block natural, formal and informal surveillance (including CCTV) and offer a hiding opportunity for offenders.
- No consultation/contact has been made with Dorset Police to date, despite identifying as such in the Anti-Social Management plan submitted.

Whilst Dorset Police does not formally object to this planning application of BT Street Hub installations in principle, at this stage, in order to ensure Dorset Council is able to comply with its duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour. Conditions are recommended, they being the activation of integrated CCTV camera; Strict compliance with Street Hub Anti-Social Behaviour Management Plan; Removal of existing BT Payphone.

**8. Historic England:** We suggest that you seek the views of your specialist conservation and archaeological advisers.

**9. Weymouth Town Council:** The Council supports this application and raises no objection.

**10. Melcombe Regis Ward Member:** No comments received.

**Representations received** - None

## **9. Duties**

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **10. Relevant policies**

### **Development plan**

In this case the development plan comprises:

### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- INT1: Presumption in favour of sustainable development
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings

ENV14: Shopfronts & advertisements  
ENV15: Efficient and appropriate use of land  
ENV16: Amenity  
SUS2: Distribution of development  
ECON4: Retail and Town Centre Development  
COM7: Creating a safe & efficient transport network  
COM10: The Provision of utilities services infrastructure  
WEY1: Town Centre Strategy  
WEY5: The Esplanade (South)

### **Made Neighbourhood Plans**

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026):

W05: Ecological Impact of Development  
W14: Development Boundaries  
W34: Sustainable Development  
W39: Weymouth Town Centre  
W44: Design  
W45: Heritage Assets  
W46: Transport and Travel

### Material considerations

#### **Emerging local plans:**

Paragraph 49 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).

#### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

#### **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing

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The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.  
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

### **Other material considerations**

Historic England: Streets For All (2018)

Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23

### **National Planning Practice Guidance**

All of Dorset:

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

## **11. Human rights**

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

## **12. Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The Street Hub proposed is not of such a size that it would block or prevent access to pavement by those with buggies or using a wheelchair/mobility scooter.

### 13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| What                                                                                                                                                                                                | Amount / value |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Material considerations                                                                                                                                                                             |                |
| Improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth.                                                             |                |
| Improved digital inclusion                                                                                                                                                                          |                |
| Improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging. |                |
| Potential for improved environmental monitoring, through air/odour testing.                                                                                                                         |                |
| Non material considerations                                                                                                                                                                         |                |
| None identified.                                                                                                                                                                                    |                |

### 14. Planning Assessment

#### Principle of development

- 14.1 The development would be located within the Weymouth Defined Development Boundary (DDB) and therefore would be supported by policy SUS2 in the Local Plan.
- 14.2 Policy COM10 of the local plan specifically refers to telecommunications development, saying it will be supported, provided:

- *‘the development will not be unduly detrimental to the appearance of the locality, particularly in sensitive areas of landscape, nature conservation or townscape importance; and*
- *the applicant has demonstrated that there is a need for the technology and that all technically feasible alternatives have been explored and that the application proposal results in the least visual harm.*

- 14.3 The National Planning Policy Framework (NPPF) says at paragraph 119 that “planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”
- 14.4 Paragraph 120 goes on to say “The number of radio and electronic communications masts, and the site for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”
- 14.5 In terms of compliance with policy COM10, firstly, it is considered that the proposed BT Street Hub would not be unduly detrimental to the appearance of the locality, taking into account the historical setting, given that the proposed location is characterised by illuminated advertising of varied forms, and for the fact that it would replace an existing BT phone box, thus not cluttering the pedestrianised street. Furthermore, it is considered that the installation of a single LED advertising unit would be acceptable within the site context, where it would be read as a standalone visual element, rather than a proliferation, given that no other units are either existing or proposed along St Mary Street.
- 14.6 In terms of the second bullet point under COM10, which requires demonstration that there is a need for the telecommunications technology, it is considered that this would not be a relevant consideration with regard to the installation of 5G and Wi-Fi, as paragraph 123 of Chapter 10 of the NPPF clearly states that councils are *‘not to question the need for an electronic communications system’*. As such that part of policy COM10 is considered to be out of date. In addition, whilst paragraph 119 of the NPPF says that planning decisions should support the expansion of electronic communications networks, it is considered that the units would not be operating solely as communications systems, with the LED advertising panels being an integral function of each unit. Whilst the applicant isn’t required to demonstrate the need for the 5G and Wi-Fi technology they are encouraged, in accordance with paragraph 120 of the NPPF, to keep sites to a minimum and to explore the use of existing masts, buildings and other structures. In accordance with Policy COM10 the applicant should demonstrate that they have explored all technically feasible alternatives and that the least visually harmful site has been chosen. However, as set out above, it is considered that the Street Hub would not be visually harmful, and therefore, demonstration of potential alternative sitings isn’t considered to be necessary.
- 14.7 The BT Hub unit is considered to deliver public benefits, through the transmission of 5G and Wi-Fi coverage, and it has been confirmed by the Council’s Telecommunications Lead that Weymouth has capacity issues in regard to both of these technologies. Telecommunications are defined as Community Infrastructure in the West Dorset, Weymouth and Portland Local Plan (2015). These public benefits would be both social and economic and would take the form of
- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
  - improved digital inclusion

- improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
- potential for improved environmental monitoring, through air/odour testing

14.8 Therefore, the proposal would accord with Local Plan policy SUS2 and COM10 and would provide public benefits.

#### Design and Character

14.9 The BT Hub is proposed to be located in a visible and historic area of Weymouth Town Centre, being within a pedestrianised street, with retail and food outlets on either side of the street. Whilst the Street Hub would be higher than the existing BT Phonebooth, it would be read within a busy and active street scene, with both illuminated and non-illuminated retail advertising in abundance. Furthermore, the unit would be read as a discreet item, where no other LED advertising units are installed along St Mary Street.

14.10 On this basis the units are considered to be acceptable and would not be overly conspicuous within the existing street scene. The proposal is therefore considered to accord with Local Plan policy ENV10 and Weymouth Neighbourhood Plan policy W44.

#### Heritage Impact

14.11 The proposal would be in the Weymouth Town Centre Conservation Area and would be in the setting of The Black Dog Public House (Grade II\*). The Black Dog Public House is identified as an important listed building in the Conservation Area appraisal.

14.12 The Council's Conservation officer has reviewed the proposal and have raised concerns with the height, mass, colour, animation and scale of the proposed structure. They state that: *'The proposed BT Street Hub would be orientated along St Mary Street. This permanent structure would have a digital LED display and would be able to be altered remotely. The proposed replacement Hub would be located immediately to the north of the footprint of the existing payphone. The submitted existing and proposed elevations demonstrates that the proposed Hub would have an increase in width and height and a heavy black frame. It is noted that the side elevation would be reduced in width. The proposed replacement due to the height, mass, colour, animation and illumination is not supported. The proposal would be overbearing and imposing within the street scene. The proposal would be considered an unsympathetic addition causing detrimental harm to the setting of the neighbouring Grade II\* Listed building and the Conservation Area. It is suggested that alternative options are considered which could provide improvements to the 5G network within the town, but which are more discrete and reflect a sensitive and considered approach to heritage values.'* They then go on to conclude that the proposal would cause less than substantial harm, and that the public benefits would not outweigh this harm.

14.13 It is this officer's view that there would be less than substantial harm to both the Conservation Area and the setting of The Black Dog, however, it is considered that this would be on the lesser scale of harm, given the various forms of advertising, lighting and street furniture in close proximity to the location proposed for the Street Hub. In weighing up the degree of harm and the public benefits which have been outlined in Section 13 and paragraph 14.7, it is considered that the harm would be outweighed by the public benefits which would be derived from the BT Street Hub.

14.14 It has been confirmed by the agent for this application that both Wi-Fi and 5G functionality will be installed when the BT Street Hub goes live, however, where these are considered to be public benefits which make the development acceptable, it is considered appropriate that a condition be applied to any consent to ensure this functionality is secured.

14.15 It is noted that the recently adopted Weymouth Neighbourhood Plan establishes under policy W45 that *'Development proposals must demonstrate, where relevant, that they respect and will cause no harm to heritage assets and their setting'*, however, Section 16 of

the NPPF is clear on the matter of harm, where less than substantial harm should be weighed against any public benefits.

- 14.16 On this basis the scheme is considered to accord with Local Plan policy ENV4, Weymouth Neighbourhood Plan policies W39 and W45, and Section 16 of the NPPF. In reaching this conclusion regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity

- 14.17 The proposed BT Hub is considered to be acceptable in terms of impact to residential amenity, given that the unit would be oriented with the panels facing north and south. It is noted that the unit would allow for calling and there would be an audible element, however, it is not considered that this would be any worse than the general noise found along St Mary Street. This notwithstanding, it is considered appropriate and reasonable that during the hours of 9pm and 7am that the volume of the unit be reduced, to ensure that there is no disruption to upper floor residential units/holiday units along St Mary Street. Lastly, the luminance levels of the unit itself would be controlled by way of a condition, so as to ensure that these meet acceptability standards set out in the Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23.
- 14.18 The Environmental Health Team have reviewed the proposal and have no comments to make.

#### Flooding

- 14.19 The application site is subject to surface water flooding. That notwithstanding, the proposal is for a less vulnerable class of development, not being habitable, replacing a similar development, a phone kiosk, being on an area of existing hardstanding. The proposal is therefore not considered to pose any risk to safety and would accord with policy ENV5 of the Local Plan.

#### Highway Safety

- 14.20 The Highway Authority have reviewed the proposal and have stated that it would appear acceptable in principle, however this would be subject to conditioning to ensure that illumination levels do not lead to a danger to highways safety, being overly bright and thereby distracting. This assessment is considered to be reasonable and proportionate and as such if consent were to be granted a lighting scheme should be agreed by the Highway Authority and Local Planning Authority.
- 14.21 On this basis the scheme is considered to accord with Local Plan policy COM7, Weymouth Neighbourhood Plan policy W46.

#### Crime/Policing

- 14.23 Comments have been received from Dorset Police, raising concerns that the BT Hub could be used for criminal purposes, and lead to an increase in anti-social behaviour, in an area which has a higher-than-average rate of crime and anti-social behaviour. It is suggested that the Wi-Fi and free calling facilities could lead to nuisance calls, and the solicitation of drugs. This notwithstanding, it is considered that the unit would also be of benefit where it would provide a facility for emergency calling, alongside the public benefits from Wi-Fi and 5G improvements, furthermore, an Anti-Social Behaviour Management Plan has been submitted, and this would be conditioned as part of any consent granted. Whilst it is assumed that CCTV is in operation on St Mary Street, Dorset Police have recommended that any integrated camera within the BT Hub be activated when installed, to ensure the monitoring of any calling of 999. They have also requested the removal of the existing BT payphone. Lastly, concerns have been raised with regard to the potential for the proposed Street Hub to block or obstruct site lines and therefore be used by someone to evade or conceal themselves.

- 14.24 Local Plan policy WEY5 makes reference to anti-social behaviour in the area which the unit would be located and therefore weight should be given to related concerns. In this regard, it is accepted that the submitted Anti-Social Management Plan would be the appropriate manner in which to address these concerns. Whilst it may be the case that the new street hub could be used for concealment, and that nuisance calls may be made from it, it should be noted that this could occur now, given the existing phone box remains in situ. The removal of the existing phone kiosk would be conditioned as part of any consent, given this application is for the replacement of that unit.

#### Other Matters

- 14.25 It should be noted that the matter of the loss of economic benefits to any nearby advertising units, through the introduction of a competitor, would not be a material consideration in this planning assessment.
- 14.26 In terms of public health and non-ionising radiation protection, a statement of conformity with public radio frequency guidelines has been provided.

### **15. Environmental implications**

- 15.1 Given the type and small-scale nature of the proposed development it is not considered that there would be any significant environmental impact as a result.

### **16. Summary of issues and the planning balance**

- 16.1 It is considered that for the reasons set out above that the development would have an acceptable impact in terms of flood risk and subject to conditions would have an acceptable impact on highway safety and residential amenity in accordance with the relevant policies of the development plan. Subject to a planning condition requiring the implementation of the anti-social behaviour management plan the development is not considered to likely result in an unacceptable impact in respect of crime and anti-social behaviour.
- 16.2 In terms of impact to visual amenity, the development is considered to be acceptable, as it would be located in a relatively active setting, with various forms of advertising and lighting evident. With regard to the impact to historic setting, the development would be located within the Weymouth Conservation Area and would be in the close setting of The Black Dog Public House (Grade II\*) and the development would impact both of these heritage assets, by virtue of the scale, siting and visual intrusion, however, it is considered that this harm would be at the lower end of less than substantial and that this would be outweighed by the following public benefits:
- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
  - improved digital inclusion
  - improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
  - potential for improved environmental monitoring, through air/odour testing
- 16.3 On this basis the development is considered to be acceptable, where it would be in accordance with relevant policies in both the Local Plan and Weymouth Neighbourhood Plan, and the NPPF.

### **17. Recommendation**

- 17.1 Grant, 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](mailto: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.

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# Agenda Item 9

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/ADV/2025/06226                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Pavement outside 104E St Mary Street Weymouth DT4 8NY                                       |
| <b>Proposal:</b>           | Installation of 1no. internally illuminated double sided LCD display screen                 |
| <b>Applicant name:</b>     | Verity Cheyne                                                                               |
| <b>Case Officer:</b>       | Rob Piggot                                                                                  |
| <b>Ward Member(s):</b>     | Cllr Orrell                                                                                 |

- Reason application is going to committee:** The application site is land owned/maintained by Dorset Council.
- Summary of recommendation:**  
Grant subject to conditions as set out at the end of this report.

### 3. Key planning issues

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scale, design, impact on character and appearance                            | The development would be acceptable, read as a standalone panel, within a busy and already illuminated setting.                                                                                                                                                                                                                                                            |
| Impact on the living conditions of the occupants and neighbouring properties | The BT Hub would not be harmful to residential amenity, given the existing level of light and noise. Condition to be applied to ensure lighting meets standards for urban mixed-use setting.                                                                                                                                                                               |
| Impact on landscape or heritage assets                                       | The scheme would be located in a historic area, in Weymouth Town Centre Conservation Area, and in the setting of Black Dog Public House. It is considered that the unit would harm the significance of the Conservation Area, and the setting of the Black Dog Public House, however, this harm would be less than substantial and would be outweighed by public benefits. |
| Economic benefits                                                            | The provision of Wi-Fi would be of benefit to the tourist offering for Weymouth, with increased 5G coverage improving mobile connectivity for both personal and business use, along the Esplanade.                                                                                                                                                                         |
| Highway impacts, safety, access and parking                                  | The proposal would be acceptable in terms of impact to highway safety, with conditions required to ensure the units would not be distracting to road users.                                                                                                                                                                                                                |
| Crime / Policing                                                             | The unit would be acceptable, where a Anti-Social Behaviour Management Plan is conditioned.                                                                                                                                                                                                                                                                                |

| Issue                      | Conclusion                                                                                                              |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Environmental Implications | Given the scale and nature of the proposal, it is not considered there would be any environmental or ecological impact. |

#### 4. Description of site

- 4.1 The application site is located toward the northern end of St Mary Street, being a pedestrianised thoroughfare in the centre of Weymouth, one block back from The Esplanade. An existing BT phone box is located on the site of the proposed development. The site is within the Weymouth Town Centre Conservation Area and is within the setting of The Black Dog Public House (Grade II\*).
- 4.2 The site is identified in the Strategic Flood Risk Assessment and the Environment Agency's National Flood Maps for Planning as being at risk of flooding now and in the future.

#### 5. Description of development

- 5.1 Consent is sought to replace an existing payphone kiosk with an illuminated LED advertising unit which incorporates Wi-Fi and 5G technologies, known as a 'BT Street Hub'. The proposed hub would be approximately 1.2m W x 2.98m H x 0.35m D. The existing telephone kiosk/booth to be removed is approximately 0.9m W x 2.2m H.
- 5.2 It has been confirmed during the life of the application that the unit would provide 5G and Wi-Fi transmission/coverage. Wi-Fi coverage would cover an approximately 150m radius, and 5G coverage would be approximately 150m – 200m. These would be activated upon installation and would come at no cost to the Local Authority or end user.

#### 6. Background and relevant planning history

P/PAP/2022/00737 - Decision: RES - Decision Date: 17/05/2023

Street hub unit

P/PAP/2025/00516 - Decision: RES - Decision Date: 20/08/2025

Proposed Street Hubs

#### 7. List of constraints

Grade: II\* Listed Building: BLACK DOG PUBLIC HOUSE List Entry: 1132631; - Distance: 8.96

Weymouth Town Centre Conservation Area

LP - WEY2; Town Centre and Commercial Road Area; Town Centre and Commercial Road Area

LP - WEY5; The Esplanade (South); The Esplanade (South)

LP - ECON4; Town Centre Areas; Weymouth

LP - ENV 4; Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

LP - WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre

LP - SUS2; Defined Development Boundary; Weymouth

LP - ENV 4; Conservation Area; Town Centre Conservation Area

LP - ECON 4; Primary Shopping Frontage; St Mary Street, Weymouth

LP - ECON4; Primary Shopping Area; Weymouth

Dorset Council Land (Dedicated): Land dedicated for road improvement at 1 St Mary Street, Weymouth - Reference LIN002635

Risk of Surface Water Flooding Extent 1 in 1000

Surface water flooding - 1 in 100 year event plus 20% allowance

Surface water flooding - 1 in 100 year event plus 40% allowance

SFRA 2 Boundary

## 8. Consultations

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

### Consultees

**1. Dorset Council – Highways:** No objection, however concerns with the light levels/brightness both during daytime and nighttime. Level of illumination to be reduced to match ambient levels, not a constant 5000cd/m<sup>2</sup>, with night levels to be 300cd/m<sup>2</sup>. Note that there should be a mechanism to default to a blank screen in the event of malfunction/when not in use.

Recommend that a condition be placed to prevent intermittent/flashing lights, exposed cold cathode tubing, animation or reflective material, and that a lighting scheme be submitted to the Local Planning Authority for agreement.

**2. Dorset Council - Env. Services - Protection:** No adverse comment.

**3. Dorset Council - Conservation Officers:** There is no objection to the removal of the existing BT Payphone. However, the proposed installation of 1no. BT Street Hub is considered detrimental to the street scene due to the height, mass, colour, animation and illumination of the proposed structure. The proposal would not enhance the street scene, would have a negative impact on the neighbouring heritage assets and would have a detrimental effect on the special character and appearance of the Conservation Area

**4. Dorset Council - Asset & Property:** No comments received.

**5. Dorset Council Telecommunications Lead:** Significant degradation in user-experience from all four mobile phone networks during summer months. Connectivity in Weymouth Town Centre would be beneficial, with significant number of visitors, businesses and residents, and would support digital inclusion. Any Wi-Fi, 5G should be correct technology and to be maintained by provider.

**6. Environment Agency:** This application does not fall within the criteria set out in our External Consultation Checklist which defines the planning applications we should be consulted on. We therefore consider we should not be consulted, and we will not be providing any comments on this proposal.

### **7. Dorset Police Architectural Liaison Officer**

Concerns raised as follows:

- Where free Wi-Fi is available, it can attract groups of people who then act anti-socially
- The proposed locations fall within areas with higher-than-average rates of crime and ASB
- Colleagues in other police forces have advised that there have been incidents of misuse of the 999-call button, mainly in city centre or high traffic locations in the night-time economy.

- The ability to make free calls could allow abuse of that service, including the hubs being used to facilitate the distribution of drugs or nuisance calls, particularly for domestic abuse/stalking victims. It is noted that incoming calls have been deactivated, thus preventing misuse for drug distribution.
- The hubs are solid units and would therefore block natural, formal and informal surveillance (including CCTV) and offer a hiding opportunity for offenders.
- No consultation/contact has been made with Dorset Police to date, despite identifying as such in the Anti-Social Management plan submitted.

Whilst Dorset Police does not formally object to this planning application of BT Street Hub installations in principle, at this stage, in order to ensure Dorset Council is able to comply with its duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour. Conditions are recommended, they being the activation of integrated CCTV camera; Strict compliance with Street Hub Anti-Social Behaviour Management Plan; Removal of existing BT Payphone.

**8. Weymouth Town Council:** The Council supports this application and raises no objection.

**9. Melcombe Regis Ward Member:** No comments received.

**10. Historic England:** We suggest that you seek the views of your specialist conservation and archaeological advisers.

**Representations received** – None

## **9. Duties**

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **10. Relevant policies**

### **Development plan**

In this case the development plan comprises:

### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- ENV4: Heritage assets
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV14: Shopfronts & advertisements
- ENV16: Amenities

COM7: Creating a safe & efficient transport network

WEY1: Town Centre Strategy

## **Made Neighbourhood Plans**

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026):

W39: Weymouth Town Centre

W44: Design

W45: Heritage Assets

W46: Transport and Travel

## Material considerations

### **Emerging local plans:**

Paragraph 49 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).

### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

### **Other material considerations**

Historic England: Streets For All (2018)

Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23

### **National Planning Practice Guidance**

All of Dorset:

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

## **11. Human rights**

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

## **12. Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The Street Hub proposed is not of such a size that it would block or prevent access to pavement by those with buggies or using a wheelchair/mobility scooter.

### 13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| What                                                                                                                                                                                                | Amount / value |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Material considerations                                                                                                                                                                             |                |
| Improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth.                                                             |                |
| Improved digital inclusion                                                                                                                                                                          |                |
| Improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging. |                |
| Potential for improved environmental monitoring, through air/odour testing.                                                                                                                         |                |
| Non material considerations                                                                                                                                                                         |                |
| None identified.                                                                                                                                                                                    |                |

### 14. Planning Assessment

- 14.1 The application is for advertisement consent and therefore the only considerations in the determination of the application are amenity and public safety.

#### Design and Character

- 14.2 The BT Hub is proposed to be located in a visible and historic area of Weymouth Town Centre, being within a pedestrianised street, with retail and food outlets on either side of the street. Whilst the Street Hub would be higher than the existing BT Phonebooth, it would be read within a busy and active street scene, with both illuminated and non-illuminated retail advertising in abundance. Furthermore, the unit would be read as a discreet item, where no other LED advertising units are installed along St Mary Street.
- 14.3 On this basis the unit is considered to be acceptable and would not be overly conspicuous within the existing street scene. The proposal is therefore considered to accord with Local Plan policy ENV10 and Weymouth Neighbourhood Plan policy W44.

#### Heritage Impact

- 14.4 The proposal would be in the Weymouth Town Centre Conservation Area and would be in the setting of The Black Dog Public House (Grade II\*). The Black Dog Public House is identified as an important listed building in the Conservation Area appraisal.
- 14.5 The Council's Conservation officer has reviewed the proposal and have raised concerns with the height, mass, colour, animation and scale of the proposed structure. They state that: 'The proposed BT Street Hub would be orientated along St Mary Street. This

*permanent structure would have a digital LED display and would be able to be altered remotely. The proposed replacement Hub would be located immediately to the north of the footprint of the existing payphone. The submitted existing and proposed elevations demonstrates that the proposed Hub would have an increase in width and height and a heavy black frame. It is noted that the side elevation would be reduced in width. The proposed replacement due to the height, mass, colour, animation and illumination is not supported. The proposal would be overbearing and imposing within the street scene. The proposal would be considered an unsympathetic addition causing detrimental harm to the setting of the neighbouring Grade II\* Listed building and the Conservation Area. It is suggested that alternative options are considered which could provide improvements to the 5G network within the town, but which are more discrete and reflect a sensitive and considered approach to heritage values.'* They then go on to conclude that the proposal would cause less than substantial harm, and that the public benefits would not outweigh this harm.

- 14.6 It is this officer's view that there would be less than substantial harm to both the Conservation Area and the setting of The Black Dog, however, it is considered that this would be on the lower end of less than substantial harm, given the various forms of advertising, lighting and street furniture in close proximity to the location proposed for the Street Hub. In weighing up the degree of harm and the public benefits which have been outlined in Section 13 above, it is considered that the harm would be outweighed by the public benefits which would be derived from the BT Street Hub.
- 14.7 It has been confirmed by the agent for this application that both Wi-Fi and 5G functionality will be installed when the BT Street Hub goes live, however, where these are considered to be public benefits which make the development acceptable, it is considered appropriate that a condition be applied to any consent to ensure this functionality is secured.
- 14.8 It is noted that the recently adopted Weymouth Neighbourhood Plan establishes under policy W45 that '*Development proposals must demonstrate, where relevant, that they respect and will cause no harm to heritage assets and their setting*', however, Chapter 16 of the NPPF is clear on the matter of harm, where less than substantial harm should be weighed against any public benefits.
- 14.9 On this basis the scheme is considered to accord with Local Plan policy ENV4, Weymouth Neighbourhood Plan policies W39 and W45, and Chapter 16 of the NPPF. In reaching this conclusion regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Residential Amenity

- 14.10 The proposed BT Hub is considered to be acceptable in terms of impact to residential amenity, given that the unit would be oriented with the panels facing north and south. It is noted that the unit would allow for calling and there would be an audible element, however, during the day and early evening it is not considered that this would be any worse than the general noise found along St Mary Street. This notwithstanding, it is considered appropriate and reasonable that during the hours of 9pm and 7am that the volume of the unit be reduced, to ensure that there is no disruption to upper floor residential units/holiday units along St Mary Street. Lastly, the luminance levels of the unit itself would be controlled by way of a condition, so as to ensure that these meet acceptability standards set out in the Institution of Lighting Professionals (ILP) Professional Lighting Guide PLG 05/23.
- 14.11 The Environmental Health Team have reviewed the proposal and have no comments to make.

#### Highway Safety

- 14.13 The Highway Authority have reviewed the proposal and have stated that it would appear acceptable in principle, however this would be subject to conditioning to ensure that

illumination levels do not lead to a danger to highways safety, being overly bright and thereby distracting. This assessment is considered to be reasonable and proportionate and as such if consent were to be granted a lighting scheme should be agreed by the Highway Authority and Local Planning Authority.

- 14.14 On this basis the scheme is considered to accord with Local Plan policy COM7 and Weymouth Neighbourhood Plan policy W46.

#### Crime/Policing

- 14.15 Comments have been received from Dorset Police, raising concerns that the BT Hub could be used for criminal purposes, and lead to an increase in anti-social behaviour, in an area which has a higher-than-average rate of crime and anti-social behaviour. It is suggested that the Wi-Fi and free calling facilities could lead to nuisance calls, and the solicitation of drugs. This notwithstanding, it is considered that the unit would also be of benefit where it would provide a facility for emergency calling, alongside the public benefits from Wi-Fi and 5G improvements, furthermore, an Anti-Social Behaviour Management Plan has been submitted, and this would be conditioned as part of any consent granted. Whilst it is assumed that CCTV is in operation in St Mary Street, Dorset Police have recommended that any integrated camera within the BT Hub be activated when installed, to ensure the monitoring of any calling of 999. They have also requested the removal of the existing BT payphone. Lastly, concerns have been raised with regard to the potential for the proposed Street Hub to block or obstruct site lines and therefore be used by someone to evade or conceal themselves.
- 14.16 Local Plan policy WEY5 makes reference to anti-social behaviour in the area where the unit would be located and therefore weight should be given to related concerns. In this regard, it is accepted that the submitted Anti-Social Management Plan would be the appropriate manner in which to address these concerns. Whilst it may be the case that the new street hub could be used for concealment, and that nuisance calls may be made from it, it should be noted that this could occur now, given the existing phone box remains in situ. The removal of the existing phone kiosk would be conditioned as part of any consent, given this application is for the replacement of that unit.

#### Other Matters

- 14.17 It should be noted that the matter of the loss of economic benefits to any nearby advertising units, through the introduction of a competitor, would not be a material consideration in this planning assessment.
- 14.18 In terms of public health and non-ionising radiation protection, a statement of conformity with public radio frequency guidelines has been provided.

### **15. Environmental implication**

- 15.1 Given the type and small-scale nature of the proposed development it is not considered that there would be any significant environmental impact as a result.

### **16. Summary of issues and the planning balance**

- 16.1 It is considered that for the reasons set out above that the development would subject to conditions have an acceptable impact on highway safety and residential amenity in accordance with the relevant policies of the development plan. Subject to a planning condition requiring the implementation of the anti-social behaviour management plan the development is not considered to likely result in an unacceptable impact in respect of crime and anti-social behaviour.
- 16.2 In terms of impact to visual amenity, the development is considered to be acceptable, as it would be located in a relatively active setting, with various forms of advertising and lighting evident already. With regard to the impact to the historic setting, the development would be located within the Weymouth Conservation Area and would be in the setting of The Black Dog Public House (Grade II\*) and the development would impact both of these heritage

assets, by virtue of the scale, siting and visual intrusion, however, it is considered that this harm would be at the lower end of less than substantial and that this would be outweighed by the following public benefits:

- improved digital offering to visitors and residents in Weymouth, providing potential wider economic benefits to businesses in Weymouth
- improved digital inclusion
- improved access and facilitation of emergency services communication – both through the 5G and Wi-Fi functionality, 999 calling facilities, and the use of the LED screens for emergency messaging
- potential for improved environmental monitoring, through air/odour testing

16.3 On this basis the development is considered to be acceptable, where it would be in accordance with relevant policies in both the Local Plan and Weymouth Neighbourhood Plan, and the NPPF.

## **17. Recommendation**

17.1 Grant, 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.