

<b>Application Number:</b>	P/ADV/2022/07937
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Land opp. 16 Swaffield Gardens Weymouth Dorset DT4 9PE
<b>Proposal:</b>	Replace existing double-sided internally illuminated 6-sheet Bus Shelter advertising display with double-sided digital display.
<b>Applicant name:</b>	Clear Channel UK
<b>Case Officer:</b>	Rob Piggot
<b>Ward Member(s):</b>	Cllr Heatley, Cllr Sutton and Cllr Wheeler

**1.0** This application comes before Planning Committee because the building to which the application relates is leased, from Dorset Council, therefore the site is Council Owned Land.

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:**

- The proposed replacement digital display would meet recommended guidelines on illuminated advertisements, being sufficiently distanced and angled away from neighbouring residential properties. It is therefore acceptable in terms of residential amenity.
- There is not considered to be any significant harm to highways and traffic safety or visual amenity.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable, subject to residential amenity, visual amenity and highway safety.
Scale, design, impact on character and appearance	Acceptable, replacing similar sized display in same location.

Impact on residential amenity	Acceptable, replacing an existing illuminated display, meeting Institute of Lighting Professionals Standards, with sufficient distance to residential properties. Conditions to be applied to control luminance levels, refresh rate and restriction on additional lighting.
Highways and Traffic Safety	Acceptable, no harm to highway safety. Conditions applied to ensure display is not distracting to motorists.

## 5.0 Description of Site

5.1 The bus stop is located on the southern side of the A354/Buxton Road, approximately 55m east of Ford's Corner roundabout.

5.2 Directly to the south and east of the bus stop is a hedgerow, being boundary treatment for All Saints Church of England Secondary School, with residential development to the north, being accessed from Swaffield Gardens.

5.3 Land levels fall away from the bus stop to the south and east, remaining flat to the west, and rising to the north.

## 6.0 Description of Development

6.1 The proposal is for the replacement of the existing double-sided internally illuminated display on the west elevation of the bus stop, with a double-sided digital display.

6.2 The existing consented display is a static image/poster unit, internally illuminated with a luminance of 284 cd/m<sup>2</sup> during periods of darkness.

6.3 The proposed replacement display is approximately the same size, projecting static images which refresh at a rate of every 10 seconds. The unit would have a luminance level of 3500 cd/m<sup>2</sup> in the daytime and 280 cd/m<sup>2</sup> during periods of darkness.

6.4 Luminance levels are adjusted to seasonal difference of daytime hours and between 2-5am displays enter a power save mode whereby the backlight is turned off.

6.5 The display units are to be constructed of steel frame, powder coated steel cladding, LCD display panels recessed behind toughened, laminated safety glass.

6.6 The consent period requested is five years.

## 7.0 Relevant Planning History

96/00585/ADV - Decision: GRA - Decision Date: 05/02/1997

Double sided internally illuminated poster panel on end of replacement bus shelter

## 8.0 List of Constraints

Within the Defined Development Boundary  
Neighbourhood Plan Area Designated and in preparation.  
Dorset Council Land (Freehold)

## **9.0 Consultations**

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

### **Consultees**

#### **1. Environmental Services – Protection**

- Development would emit light and may be visible from nearby properties, where display would change every 10 seconds. When dealing with questions of statutory light nuisance, repeated flashing/changing of the light levels can be an aggravating factor. It thus follows that this may be a consideration in relation to assessing the effects of relevant proposed developments as part of the planning application process.
- In relation to this application, it is not possible for Environmental Health to meaningfully comment beyond what has been said above, given the matter is a planning consideration not a case of statutory nuisance.

#### **2. Weymouth Town Council**

- No objection

#### **3. Highways**

- No objection, however, conditions to be applied to ensure that images are static and that no lighting is installed that would distract users of the highway.

### **Representations received**

No representations received

## **10.0 Relevant Policies**

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

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

- COM7 - Creating a safe & efficient transport network
- ENV1 - Landscape, Seascape and Sites of Geological Interest
- ENV 14 - Shop Fronts and Advertisements
- ENV 16 – Amenity

### **Neighbourhood Plans**

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making

### **Other Material Considerations**

Weymouth & Portland Urban Design (2002)  
National Planning Policy Framework (NPPF)

## 11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. This proposal is not considered to impact upon persons with protected characteristics.

## 13.0 Financial benefits

What	Amount / value
Material Considerations – N/A	
Non-Material Considerations – N/A	

## 14.0 Environmental Implications

None

## 15.0 Planning Assessment

### Principle of Development

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

## **Impact on Residential Amenity**

15.2 In terms of the location, size and luminance of the replacement double display unit, these are considered acceptable where it is similar in size to that existing and the proposed luminance levels, 280 cd/m<sup>2</sup> (night-time) 3500 cd/m<sup>2</sup> (daytime) meet Institute of Lighting Professionals standards for a suburban, urban area.

15.3 The key planning consideration is the introduction of a double display which refreshes images every 10 seconds. In this regard, The Institute of Lighting Professionals recommend that digital signs with content that may change should be limited to once every five seconds, thus the proposed refresh rate at 10 seconds would meet acceptability guidelines.

15.4 Notwithstanding the above, the two external displays are directed toward the southwest and northeast with residential properties that would be affected being to the north, with front elevations which face the southeast, thus not directly facing onto the display units. In addition, there is considered to be sufficient distance between the display units and residential properties, with the front elevation of the nearest property, 16 Swaffield Gardens, being located a minimum of 41m from the units.

15.5 In addition, due to land levels in the area, properties to the north are elevated above the bus stop, so that the bus stop would be read at road level, below direct views from the front elevation of these properties. Alongside this, street lighting is evident in the surrounding area. Thus, the impact would be limited.

15.6 Overall, the impact on residential amenity is considered acceptable. Conditions are to be applied to control luminance levels.

## **Impact on visual amenity**

15.7 The replacement display unit is considered acceptable in terms of visual amenity, where it will be integrated within an existing bus stop, being similar in design, scale and appearance to the display which it is replacing.

## **Impact on Highway Safety**

15.8 The proposal is considered acceptable in terms of highways safety. The Council's Highways Team have indicated that they have no objection to the proposed replacement displays. To ensure safety of road users they have recommended conditioning to ensure that advertising is static, have no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to be confused with any formal road signs. In addition, they have recommended that any associated lighting be directed away from the highway. No external lighting is proposed but to avoid any future potential conflicts both matters raised by highways will be conditioned on any consent granted.

## **16.0 Conclusion**

The proposed replacement display is considered acceptable as it would not harm residential amenity or visual amenity, meeting recommended guidelines for

luminance and functionality, and would not impact on highway safety, as conditions will be applied to ensure the display would not cause distraction.

## **17.0 Recommendation**

Grant subject to the following conditions:

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

The location plan  
Block Plan of the site Rev A  
Proposed Plans & Elevations

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

2. The permitted advert must be static, have no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to be confused with a formal road sign.

Reason: To prevent possible distraction and confusion to drivers.

3. No external lighting and/or floodlighting is to be installed on the advertisement.

Reason: To ensure that drivers aren't dazzled or distracted by the light, and that there is no harm to residential amenity.

4. 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.

5. 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.

6. 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.

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. The images on this digital advertisement shall be refreshed no more frequently than once every ten seconds.

Reason: To prevent possible distraction and confusion to drivers, and harm to residential amenity.

9. 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.

10. The luminance levels of the advert hereby approved shall be in accordance with the details contained in the submitted document titled "Bus shelter advertising and free-standing advertising unit concession".

Reason: To safeguard the character of the locality

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. 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.

