

<b>Application Number:</b>	P/ADV/2024/01585
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Fence on land running adjacent to the entrance to Bradford's Building Supplies Sea Road South Bridport DT6 3DW
<b>Proposal:</b>	Display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.
<b>Applicant name:</b>	William Thrower
<b>Case Officer:</b>	Rob Piggot
<b>Ward Member(s):</b>	Cllr Dave Bolwell; Cllr Bridget Bolwell; Cllr Williams

**1.0** This application is before Planning Committee because the development to which the application relates is on Council Owned Land.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:**

- The proposed banner would be small scale, static and non-illuminated and thus it would therefore be 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, as it is small scale, located in a commercial/retail area, alongside other examples of advertising.
Impact on residential amenity	Acceptable, being small scale, static and non-illuminated. 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 railings, which the proposed advertisement is to be attached to, are located in Bridport, on the western side of the A35, also known as Sea Road South, at the entrance to Bradfords Building Supplies.
- 5.2 Land levels fall away steeply to the west, with the A35 remaining level to the north and south, and land rising again in residential areas of Bothenhampton to the east.
- 5.3 Existing advertising for Bradfords Building Supplies is in place, directly adjacent to the railings, to the northwest.

## **6.0 Description of Development**

- 6.1 The proposal is to display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre. The banner would be approximately 1m H x 4m L and will be affixed to hard back boarding.
- 6.2 The banner is to advertise Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.

## **7.0 Relevant Planning History**

None relevant.

## **8.0 List of Constraints**

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020; - Distance: 0

Groundwater – Susceptibility to flooding;

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

## **9.0 Consultations**

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

### **Consultees**

#### **1. Highways:**

- No objection, subject to standard advertising restrictions where it is adjacent to highway.

#### **2. Bridport Town Council:**

- No objection.

#### **3. National Highways:**

- National Highways has considered the proposals in line with policy set out within DfT Circular 01/2022. This states that National Highways will not object to proposals for advertising consent for displays outside of the highway boundary unless it has specific reason to consider that a road safety hazard resulting from driver distraction would be a direct consequence of the advertisement. In this case, we consider that the sign as proposed is unlikely to present a distraction to road users that would constitute an unacceptable highway safety risk, such that would support National Highways in advising refusal of the application.

### **Representations received** - None

## **10.0 Duties**

Section 38(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 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 (AONB).

## **11.0 Relevant Policies**

### **Development Plan**

#### **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

#### **Bridport Neighbourhood Plan**

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

- POLICY HT2 Public Realm
- POLICY D1 Harmonising with the Site
- POLICY D8 Contributing to the local character

### **Material Considerations**

#### **Emerging Local Plans:**

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework**

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

#### Other material considerations

##### All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

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

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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 characteristic.

**14.0 Financial benefits** - None.

**15.0 Environmental Implications** - None

## **16.0 Planning Assessment**

### **Principle of Development**

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

### **Impact on visual amenity**

16.2 The vinyl banner is considered acceptable in terms of visual amenity, and impact to the wider setting of Dorset National Landscape (AONB), as it would be small scale, being read alongside other advertisements, in a commercial setting.

### **Impact on Residential Amenity**

16.3 It is not considered that there would be any impact to the residential amenity of neighbouring properties given that it is static, non-illuminated and small scale.

### **Impact on Highway Safety**

16.4 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, has 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. This matter will be conditioned on any consent granted.

## **17.0 Conclusion**

The proposed advertising banner is considered acceptable as it would not harm residential amenity or visual amenity, and would not impact on highway safety, as conditions will be applied to ensure the advertising would not cause distraction.

## 18.0 Recommendation

Grant subject to the following conditions:

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

TQRQM24103113811852 V01 Location and Block Plan

Proposed banner

01 V01 Banner Elevation Dimensions

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 being confused with a formal road sign.

Reason: To prevent possible distraction and confusion to drivers.

3. No associated external lighting and/or floodlighting shall be installed at the site.

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. 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.

### **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 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.