

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

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)

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, 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.