
Delegated report Officer: Madeleine Turner (Planning and Design Group)

Application ref. DMPA/2026/0218

Advertisement consent for the installation of digital advertising display on Willow Court, Civic Way, Swadlincote, DE11 0BW

Valid date:	17/02/2026
Consults expired:	24/03/2026
EIA development?	No
Section 106 agreement?	Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

No relevant planning history on this site.

Responses to consultations and publicity

County Highways- Based on the analysis of the information submitted it is concluded that the proposal would not have a material impact on the operation of the local road network or on highway safety. There are no justifiable grounds on which an objection could be maintained. No advertisement should be displayed for less than 10 seconds. A series of interventions to prevent impact on highway safety is proposed.

Conservation Officer- The application site is located opposite a Building of Character, highlighted in the Swadlincote Conservation Area Character Statement. My Comments The application site is outside of the Conservation Area, but seeks consent for a large advertisement board adjacent to the boundary, and therefore will impact upon the character and appearance, and the setting of the heritage assets. I also note the existing advertisement/signage for the retail park in close proximity. I also take into account the cumulative effect of large advertisements in this located within the setting of designated and non-designated heritage assets. I asses the development as resulting in less than substantial harm, low, to the setting of heritage assets.

Environmental Health Officer- No objection but recommends conditions relating to the illumination levels of the display.

Summary of Comments form the Public-

- Location with the residential cultivation of nearby apartments, and the land has been subject to maintenance agreements with residents, and consent for the use of this land has not been given by owners or leaseholders.
- The sign could reduce sunlight reaching neighbouring flats
- The display could attract vandalism or anti-social behaviour due to its proximity to fast-food restaurants
- The display and content of the display will be out of the local planning authorities' control and cannot be regulated.
- The display would be visually interesting on landscape green areas, which have been promoted through recent council-led improvements
- The signage in the area is associated with neighbouring businesses; the proposed display would be standalone commercial advertisements with little to no connection to the area
- The sign is large and posted to the west-bound traffic, which could potentially be distracting to drivers near several junctions that have a history of accidents, this would have an impact on highway safety
- The application fails to address Tree Protection Orders in proximity to the site
- A location near the Sainsbury's roundabout would be a more appropriate location

Relevant policy, guidance and/or legislation

The development plan comprises the South Derbyshire Local Plan Part 1, adopted 2016, and the South Derbyshire Local Plan Part 2, adopted 2017. For the purposes of this advertisement consent application, the most relevant adopted policies are Local Plan Part 1 Policies H1, S2, SD1, BNE1, BNE2 and INF2, and Local Plan Part 2 Policies BNE7, BNE9 and BNE10, insofar as they relate to amenity, character, heritage setting, trees and public safety. Policy BNE9 is of particular relevance and requires advertisement proposals to address amenity and public safety, including cumulative impact, character and appearance, pedestrian and vehicular movement, highway user distraction, visibility, size, design, illumination, materials, colour, visual clutter and excessive advertising.

The National Planning Policy Framework, December 2024, is a material consideration. Paragraph 141 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard has also been had to the Planning Practice Guidance, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the South Derbyshire Design Guide SPD, the Display of Advertisements SPD and the Institute of Lighting Professionals Professional Lighting Guide 05, The Brightness of Illuminated Advertisements including Digital Displays, PLG05/23.

The South Derbyshire Local Plan Part 1 Review 2022-2041, Publication Version March 2025, has been published for formal representations but is not yet at examination stage. It is a material consideration, but, applying NPPF paragraph 49, only limited weight should be attached to it at this stage having regard to its stage of preparation, the extent of unresolved objections and its consistency with national policy. The adopted Local Plan Part 1 and Part 2 remain the development plan unless and until replaced.

Planning considerations

Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 783) (the Regulations) limits the exercise of the powers of control of advertisements solely to the interests of amenity (including aural and visual) and public safety, and these matters are elaborated in Regulation 3(2).

Regulation 3(3) provides that the Local Planning Authority in taking account of factors relevant to amenity may disregard any advertisement that is being displayed. Whereas, Regulation 4(3) permits the Local Planning Authority to have regard to any material change of circumstances likely to occur within the period for which the consent is requested.

In determining this application, it is important to distinguish the advertisement consent regime from a planning application for operational development. The Council's powers of control are limited by Regulation 3 of the Advertisement Regulations to amenity and public safety, taking account of the provisions of the development plan so far as they are material and any other relevant factors. Matters such as the commercial content of advertisements, private land ownership or leaseholder consent, cannot justify refusal unless they give rise to a demonstrable amenity or public safety concern. Land ownership is also addressed by the standard advertisement condition requiring the permission of the site owner or other person entitled to grant permission. The content of advertisements is subject to separate regulatory controls outside the planning system, although the manner of display, can be controlled by condition where necessary in the interests of amenity and public safety.

The key considerations in determining applications for advertisement consent are:

- The impact upon design and the character of the surrounding area
- The impact upon residential amenity
- The impacts upon highway safety and public safety

Planning assessment

Advertisement consent is sought for the installation of a freestanding digital advertising display on land to the east of Willow Court, Civic Way, Swadlincote. The display would measure 6m wide by 3m high, with the base of the display 2.5m above ground level. It would face eastwards towards Civic Way and

would be visible to westbound traffic, pedestrians and users of the surrounding public realm. The display would show static advertisements on rotation and would be internally illuminated.

The application must be determined in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Council's powers of control are limited to amenity and public safety, taking account of the provisions of the development plan so far as they are material, and any other relevant factors. Paragraph 141 of the National Planning Policy Framework also confirms that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In this case the principal considerations are therefore visual amenity, the character and appearance of the area, the setting of nearby heritage assets, residential amenity and highway/public safety.

The site lies within the Swadlincote urban area and within the town centre boundary. There are commercial uses and large-scale commercial signs in the wider locality, including the existing retail park totem sign to the north-east. However, the immediate site context is more nuanced than this broader town centre description suggests. The proposed display would not be sited within the retail park itself or on an established commercial building frontage. It would be located on a small, landscaped area immediately beside Willow Court, a domestic scale residential apartment building, where existing mature vegetation provides an important soft landscaped buffer and contributes positively to the amenity space and outlook of occupiers.

Although the locality is influenced by commercial development, the site itself does not appear as a location wholly characterised by large-scale commercial activity or development. The existing vegetation and green space provide a transition between the residential scale of Willow Court and the more commercial activity around Civic Way and Belmont Street. The introduction of a tall, solid, engineered digital display structure in this position would materially alter that character. It would urbanise and commercialise a small, landscaped space that currently forms part of the softer residential setting of Willow Court and would appear as an incongruous and dominant item of advertisement infrastructure in this immediate context.

The proposed display would also add to the existing large totem signage already visible in the vicinity of the retail park. While signage is expected within a town centre and commercial environment, Policy BNE9 specifically requires the cumulative impact of advertisements to be considered and seeks to avoid visual clutter and excessive advertising. In this case the proposed display would not rationalise or replace existing advertising infrastructure. It would introduce a further large-format illuminated advertisement in close proximity to existing large-scale commercial signage, thereby increasing the amount and prominence of advertising in the local street scene. The proposal would therefore result in additional visual clutter and would fail to respect its immediate setting in terms of size, siting, design and illumination.

The impact on Willow Court is also significant. The residential amenity space and outlook associated with Willow Court is presently softened and enclosed by mature vegetation, which helps create a relatively quiet, enclosed and domestic setting despite the presence of surrounding roads and commercial uses. The proposal would replace or interrupt this character with a large, rectilinear, engineered structure on or close to the boundary of that space. The rear and supporting structure of the display would be experienced from Willow Court and its immediate amenity area as a substantial and artificial feature. Even though the illuminated face would be directed away from Willow Court, the physical mass, height and engineered appearance of the structure would materially harm the outlook from the adjoining residential accommodation and diminish the quality of the adjacent amenity space.

The submitted planting proposals do not overcome that harm. The proposed rowan tree planting would be immature at the point of installation and would not provide an immediate or equivalent replacement for the existing sense of enclosure provided by mature vegetation. In any event, the limited planting proposed would not satisfactorily screen or soften a 6m wide and 3m high solid display structure, particularly given its height, proximity to Willow Court and engineered form. Reliance on new tree planting to mitigate the impact is therefore not considered sufficient or robust. The proposal would consequently have an unacceptable effect on the residential amenity of the occupiers of Willow Court, particularly in terms of outlook, enclosure and the character of their immediate living environment.

The site is also adjacent to the Swadlincote Conservation Area and close to identified heritage assets, including a Building of Character referred to by the Conservation Officer. The Conservation Officer

considers that the proposal would result in less than substantial harm, at the low end, to the setting of heritage assets, having regard to the cumulative effect of large advertisements in this location. That harm is accepted. The public benefits claimed by the applicant are general benefits associated with digital advertising rather than clear, site-specific public benefits. No existing advertisement would be removed from this location, there is no secured reduction in advertising clutter, and no specific public messaging, public art, environmental improvement or other local public benefit is secured as part of the proposal. In the absence of identified public benefits sufficient to outweigh the heritage harm, the proposal would fail to preserve the setting of the nearby heritage assets.

The Highway Authority raises no objection subject to conditions controlling luminance, dwell time, transition, malfunction shut-off and the nature of displayed images. That no-objection position is noted and, subject to those controls, a refusal on highway safety grounds would not be justified. However, the absence of a highway objection does not address or overcome the separate harm identified to visual amenity, cumulative advertisement clutter, the immediate character of the site, residential amenity and heritage setting.

Overall, the proposal would introduce a large-format illuminated digital advertisement into a small, landscaped area immediately adjoining residential accommodation. It would fail to respect the domestic scale and landscaped character of the immediate site, would add to existing large-scale commercial signage and result in visual clutter, would harm the outlook and amenity space of Willow Court, and would cause low-level less than substantial harm to the setting of nearby heritage assets without any identified public benefits to outweigh that harm. The proposal would therefore conflict with Local Plan Part 1 Policies SD1, BNE1 and BNE2, Local Plan Part 2 Policies BNE9 and BNE10, the South Derbyshire Design Guide SPD, the Advertisement Regulations and the National Planning Policy Framework. Advertisement consent should therefore be refused.

Recommendation

Refuse

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Report agreed: 30/06/2026

Authorised officer: Steffan Saunders
