



Western and Southern Area Planning Committee

Date: Thursday, 29 January 2026
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Dave Bolwell (Chair), 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 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
1. APOLOGIES	
To receive any apologies for absence	
2. DECLARATIONS OF INTEREST	
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 11 December.

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 27 January.

5. P/MPO/2025/06054 - LAND AT VEARSE FARM (FOUNDRY LEA), BRIDPORT, DT6 5JT 13 - 24

Modification of a planning obligation dated 01/05/2019 relating to planning permission WD/D/17/000986 - Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links - to modify occupation of dwelling restriction regarding completion of the Miles Cross junction works.

6. P/FUL/2025/05407 - 5A SURREY CLOSE, GRANBY INDUSTRIAL ESTATE, CHICKERELL, DT9 9TY 25 - 34

Change of use of the land and siting of 34 storage containers and associated works including installation of electric gate and security fencing, reconfiguration of car park layout and modification of existing cycle store.

7. P/LBC/2025/05844 - LYME REGIS HARBOUR, THE COBB, LYME REGIS, DT7 3JJ 35 - 40

Repair to void under The Cobb by filling with marine concrete and repair to damaged/destroyed concrete toe. Erection of temporary counterbalance scaffold and Haki steps.

8. P/FUL/2025/02894 - KIKA BEACH CLUB, 52-53 THE ESPLANADE, WEYMOUTH, DT4 8DG 41 - 56

Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises.

9. **P/LBC/2025/02899 - KIKA BEACH CLUB, 52-53 THE ESPLANADE, WEYMOUTH, DT4 8DG** 57 - 66

Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises.

10. **P/FUL/2025/01316 - 54-55 THE ESPLANADE, WEYMOUTH, DT4 8DG** 67 - 82

Retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises.

11. **P/LBC/2025/01317 - 54-55 THE ESPLANADE, WEYMOUTH, DT4 8DG** 83 - 92

Retain canopies and associated works to frontage of The Nook Cocktail Club.

12. **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.

13. **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 11 DECEMBER 2025

Present: Cllrs Dave Bolwell (Chair), 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

Apologies: None.

Also present: Cllr Nick Ireland

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

Marianne Ashworth (Lawyer - Regulatory), 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), Robert Parr (Planning Officer), Robert Piggot (Planning Officer) and Louis Wicks (Democratic Services Officer Apprentice)

41. Declarations of Interest

Cllr Bawden declared that she was pre-determined on item 8 but chose to speak as the Ward Member for the application.

42. Minutes

The minutes of the meeting held on 02 October were confirmed and signed.

43. Registration for public speaking and statements

Cllr Bawden spoke in reference to application P/FUL/2024/06334, she noted that the only reason for the recommendation for refusal were the Highway's concerns, however the location of the site was within walking distance of the town centre, so wouldn't generate a significant increase in traffic movements. In addition, the road would potentially be changed to a 20mph speed limit within the next few months which could impact the assessment from Highways.

44. P/OUT/2025/01234 - Land west of West Link Road, Crossways

The Lead Project Officer presented a hybrid application comprising of outline permission for up to 145 dwellings, open space, landscaping, and associated infrastructure, with all matters reserved except for access and a full application for a Suitable Alternative Natural Greenspace (SANG) and associated landscaping.

The application site, located west of Crossways, was outlined on the map. The site was currently agricultural land and was surrounded by open countryside to the

north and holiday homes to the south. Lewell Road ran east along the site and a public right of way ran along the northern boundary.

Plans for the proposal were displayed. The full application related to the SANG, which comprised the eastern section of the site and included public open space. The outline application covered the residential area, a Local Area of Play, and a Local Equipped Area of Play. An indicative layout for access and road arrangements was shown, with vehicular access proposed from Lewell Road via a T-junction. The application was supported by a transport assessment.

The masterplan illustrated areas for housing, the SANG and a car park for the SANG. A Building Heights Parameters Plan indicated that building heights would be limited to two storeys where the site adjoined the new housing development to the south. Officers considered that there was adequate space to avoid impacting the amenity of neighbouring properties. A Density Parameters plan showed a proposed density of 30–40 units per hectare, which was considered appropriate for the setting of the development.

It was explained that the site lay outside the Defined Development Boundary (DDB), where development would not normally be permitted. The site had been put forward in January 2021 for proposed allocation and draft Policy CRS6 allocated the land for housing and open space.

The principle of development was discussed. Although the site was outside the DDB and therefore contrary to Policy SUS2, the Council did not have a five-year housing land supply, so the tilted balance was applied. The proposal was considered to make a positive contribution to the local economy and address the housing shortfall. It would also contribute to village facilities through the provision of the SANG, which was deemed acceptable and compliant with policy.

The means of access was considered acceptable and the transport assessment had addressed traffic volumes and safety. The illustrative proposal was considered acceptable based on the parameter plans. A flood risk assessment had been provided, detailing surface water drainage. The applicant intended to use sequential measures, including permeable paving and gardens, with the SANG area designed to contain runoff from the site. The ecological impact assessment was acceptable, subject to provision and maintenance secured by condition. There would also be affordable housing provision of 35% delivered on the site.

Although the site was outside the DDB, the proposal was considered acceptable in principle, subject to conditions. It was regarded as sustainable development in terms of social, economic, and environmental impacts. It was considered that the benefits of contributing to housing supply, affordable housing provision and the SANG outweighed the conflict with Policy SUS2.

Mr Parsons spoke as the applicant. He noted that the development would deliver up to 145 sustainable, high quality homes that would help to address the housing need in the area. He also highlighted other benefits of the scheme including, the provision of the SANG, Community Infrastructure Levy (CIL) contributions and bio-diversity net gain on the site.

Mrs Connor spoke on behalf of Crossways Parish Council. She explained that the Parish Council had objected to the application due to it being outside of the DDB and the fact that there were other developments underway in Crossways and the village did not have the appropriate infrastructure to accommodate more residential dwellings.

Cllr Ireland spoke as the local Ward Member for the application. He emphasised that Crossways had limited infrastructure to support more houses and that socially rented housing would be the preferred option for any new homes in the village. He noted that public transport routes linking the village were limited and so new residents would likely require cars, putting more strain on the road network in the village.

Officers provided the following responses to members questions:

- The application was liable for CIL, which would allow Dorset Council and other bodies to take money to fund infrastructure.
- Two other developments in Crossways that had been granted permission were also outside of the DDB.
- The application was compliant with the current policy requiring 35% affordable homes contribution.
- If members wished they could require that 35% of any homes built before 2030 were affordable.
- It was not considered necessary to include phasing for the homes due to the size of the development.
- A scheme of this size was not considered large enough to warrant an additional crossing point and the Highways team had been consulted on the application and were satisfied in terms of highway safety.
- Members were shown on a map the current road layout and where the new development would be linked to the existing pavement.
- The draft policy and proposed allocation for housing was just for information and no weight had been given to those in the officer's recommendation.
- Maintenance of the SANG would be dealt with via a management company.
- Of the two other developments completed in Crossways, one did provide CIL contributions and the other predated CIL contributions, however, it would have contributed via a section 106 agreement.
- A condition required the construction of the SANG within 3 years of the date of the permission and it would need to be delivered prior to the occupation of the first dwelling.

The meeting adjourned 11:14 – 11:22 to allow officers to provide more information for members questions.

Having had the opportunity to debate the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representations; and what they had heard at the meeting, it was proposed by Cllr Christopher and seconded by Cllr Bolwell, to grant the application, due to the social, economic and environmental benefits outlined, including the provision of approximately 50 affordable homes and in light of the Council's lack of a 5-year housing land supply.

The meeting adjourned at 11:41 – 11:45.

A motion to amend the proposal was proposed by Cllr Christopher and seconded by Cllr Bell, to require that if any units were completed before 2030, then 35% of them should be affordable homes. Upon being put to a vote the committee agreed to add the wording to the proposal.

Decision:

That authority be delegated to the Service Manager for Development Management and Enforcement and the Area Manager Southern and Western Team to grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and the conditions set out in the appendix to these minutes.

45. P/RES/2025/02807 - Land At Newton's Road, Weymouth, DT4 8UR

The Lead Project Officer presented the reserved matters application to determine appearance and landscaping for 141 dwellings, a 60-bed care home, leisure, office and light industrial floor space. The site location was outlined on the map, adjoining the seafront and was the former QinetiQ factory site. The Grade II listed breakwater was identified, as well as the open space above the cliffs to the west and Nothe Fort and gardens to the north. The cliffs formed part of the Site of Special Scientific Interest (SSSI). The site fell within flood zones 2 and 3 and group flood defences would reduce flood risk.

Photographs of the site were shown, including views from the coastal path, the entrance to the site, and the former QinetiQ building. It was noted that the site had been granted outline permission and the parameter plan showing pedestrian and vehicle routes was shown.

Details of the reserved matters application were provided, including the housing mix, non-residential uses and the landscaping scheme. The designs of the flats and townhouses were shown, along with the design of the employment building and care home. It was explained that the proposed design was contemporary and incorporated modern materials. Landscaping details were presented, including a gateway feature and a CGI render of the entrance.

The key planning issues were highlighted. The appearance was considered acceptable and compliant with policy. The landscaping was also considered acceptable, causing no harm to heritage assets and delivering biodiversity enhancements, while flood risk had been addressed at the outline stage.

Cllr Wheller spoke as the Ward Member for the application. She noted that the public areas were a welcome benefit of the application, however expressed concern that the materials used in the buildings would not hold up to adverse weather conditions.

Cllr Wheller left the meeting at 12:07

Mrs McFadyean spoke as the planning agent for the application. She explained that the applicant had worked closely with officers to develop an appropriate scheme that was well designed. She noted that the applicant had also worked with Highways Officer's to ensure that parking and access was acceptable. There would also be biodiversity benefits of the scheme, with 60 new trees to be planted.

Officers provided the following responses to members questions:

- Officers considered that the current landscaping scheme was more than adequate and that it would not be appropriate to require further additions.
- Important seagrasses in Weymouth required that the development be located further back from the shoreline.
- Flooding issues had been dealt with at the outline application stage.
- The height of the development was agreed in the outline application.

Several members expressed concerns with the design of the development and stated that they did not believe it to be in keeping with the character of Weymouth. Other members acknowledged the contemporary design of the buildings, however stated that Weymouth already included a mix of different designs and that the development would add to that mix.

It was proposed by Cllr Bell 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.

46. P/FUL/2025/04364 - Boat Park, Boat Shed George Street, West Bay, DT6 4EY

The Planning Officer presented the application and showed the site location using an aerial photograph and site plan. The key constraint of the site was identified as being within flood zones 2, 3, and 3a. The site was also located within the DDB and the West Bay Conservation Area. A photograph of the building on the site was displayed along with views around the site and nearby heritage assets were identified on the site plan.

It was explained that the proposal was to replace the existing shed and make it slightly longer to accommodate toilet facilities. The design was noted to be similar in appearance to the current structure and plans of both the existing and proposed building were shown.

It was considered that the proposal would not cause harm to the wider Conservation Area or to residential amenity. The flood risk was assessed as having a limited impact, given the minimal changes proposed.

There were no public speakers.

It was proposed by Cllr Monks and seconded by Cllr Christopher that the application be granted.

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

47. P/FUL/2024/06334 - Abbotswell, Lyme Road, Uplyme, DT7 3TJ

The application for a shepherd's hut on a site partly owned by Dorset Council was presented by the Planning Officer. The application site was highlighted in relation to Lyme Regis and views from the access point were shown, including photographs of the access steps and an image of the existing shepherd's hut.

A site plan was displayed along with elevations and a floor plan of the proposed hut, which was described as a modest structure comprising a sleeping area, shower room, and kitchenette. A section of timber fencing was proposed for removal and replacement with a chain-link fence. Additional photographs were shown from the road, including views looking southeast from the access point and images illustrating the hedge in place and after removal by the applicant.

The site was located within the DDB and would provide new-build tourist accommodation, making it compliant with policy. The location was considered discreet and the use of traditional materials meant the design was regarded as acceptable. In terms of flood risk, the site was identified as being at risk of flooding in 1-in-30 and 1-in-50-year events. However, a Flood Risk Assessment outlined mitigation measures including the raised ground level and elevated level of the shepherd's hut itself. On this basis, the flood risk was considered acceptable. The proposal was noted to provide modest economic benefits by contributing to the local economy and there were no environmental implications.

Concerns had been raised by the highway's authority regarding the lack of visibility onto the B3165, with the view that the scheme would cause additional danger to road users and have a severe impact on road safety. A proposed change to a 20-mph speed limit was mentioned, but it was noted that a decision had not yet been made on this and even if imposed, it was unclear whether it would overcome the visibility splay issues. It was considered that the application was unacceptable on highways grounds.

The applicant Ms Weldin, spoke in support of the application. She noted that many of the guests who use the shepherd's hut often didn't use their cars due to the close proximity to the town centre. In addition, there was no case of a recorded accident in the location of the junction and the potential impending 20 mph speed limit will only serve to make the road safer.

In response to comments made by the public speaker the Engineer clarified the highway's position that the application in its current form was unacceptable due to the visibility splays.

Officers provided the following responses to questions from members:

- Officers were unable to speculate on whether the access would be safe if the speed limit was reduced to 20mph as the calculations would need to be redone.

- Accident statistics are considered when assessing applications, however in this case the access was deemed unsafe based on visibility splays.
- Officers did not consider that it would be appropriate to grant a time limited permission.

The committee agreed to extend the meeting beyond 3 hours.

Having had the opportunity to debate the merits of the application, it was proposed by Cllr Monks and seconded by Cllr Christopher that the application be deferred to allow for more information to be provided regarding the impending decision on the speed limit and how this would impact the safety of the access.

Decision: That the application be deferred.

48. P/FUL/2025/02951 - 2-4 Custom House Quay, Weymouth, DT4 8BE

The Planning Officer presented the application to retain canopies and associated works to the frontage for use within the business premises. The application site was highlighted in Weymouth and included part of the adopted highway. It was located in Weymouth Harbour on Custom House Quay.

An external floor plan was shown, illustrating wooden posts and planters forming a physical separation between the seating area and the road. Elevations of the premises were displayed, showing the planters and posts along with the access point into the establishment. Photographs of the site were presented, showing the canopy in place with planters on the outside.

The principle of development was considered acceptable. The overall appearance of the structures was regarded as appropriate and in keeping with the building. Amenity impacts were addressed, with a condition proposed to restrict hours of use and it was noted that there were no residential properties in the immediate vicinity that would be affected. The site was within the setting of listed buildings and within the Weymouth Town Conservation Area; however, the proposal was not considered to cause harm to designated or non-designated heritage assets. The site was located within a high-risk flood zone, but the Environment Agency had been consulted and raised no objection and the proposal was assessed as very low risk.

The application was noted to make a small contribution to the local economy and would maintain a pedestrian route along the pavement. Highways raised no objection, and as the site was located on hard standing, there were no environmental issues.

There were no public speakers.

In response to a question from one member officers confirmed that condition 3 would restrict the hours of use of the outside space to between 08:00 and 23:00.

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

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

49. **Urgent items**

There were no urgent items.

50. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 1.26 pm

Chairman

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Application Number:	P/MPO/2025/06054
Webpage:	Planning application: P/MPO/2025/06054 - dorsetforyou.com
Site address:	Land at Vearse Farm (Foundry Lea) Bridport DT6 5JT
Proposal:	Modification of a planning obligation dated 01/05/2019 relating to planning permission WD/D/17/000986 - Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links - to modify occupation of dwelling restriction regarding completion of the Miles Cross junction works
Applicant name:	BDW Trading Limited and Vistry Cornwall South West
Case Officer:	James Lytton-Trevers
Ward Member(s):	Cllr D Bolwell; Cllr B Clayton; Cllr Williams

1. Reason application is going to committee:

- 1.1 The Service Manager for Development Management and Enforcement has had regard to paragraph 151 of the Officer Scheme of Delegation and is referring this application to the planning committee for reasons of transparency, and because there is potentially a material reduction in benefit to the community due to the delay to the provision of the Miles Cross roundabout.

2. Summary of recommendation:

Recommendation A: Grant, subject to the completion of a deed of variation of the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services manager to secure the following:

- Amendment to the wording of Schedule 3, Part 16, para. 17.2 to read: *“Not to permit the Occupation of more than 109 dwellings until the completion of the Miles Cross Junction works.”*

Recommendation B: Refuse permission for the reason set out below if the agreement is not completed by 30th April 2026 or such extended time as agreed in writing by the Service Manager for Development Management and Enforcement:

1. The planning obligation dated 1 May 2019 (planning application ref: WD/D/17/000986) continues to serve a useful planning purpose, securing the provision of a junction improvement. In the absence of a deed of variation to the s106 agreement, the requirement not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works shall stand.

3. Key planning issues

Issue	Conclusion
Principle of development	The principal issue which is material relates to highway safety and whether allowing a limited number of dwellings to be occupied prior to the completion of the roundabout at Miles Cross would be acceptable.
Highway Safety	The occupation of 109 dwellings before completion of the Miles Cross roundabout would not lead to danger to road users.

4. Description of site

- 4.1 The application site comprises a construction site to the west of Bridport town centre. It is within the Dorset National Landscape (Area of Outstanding Natural Beauty). The former farmland formed part of Vearse Farm. The site adjoins the A35 to the west and the B3162 West Road to the north. West Road provides the only access into the site via two new T junctions. A number of public rights of way cross the site.
- 4.2 Following allocation within the Local Plan for mixed development, planning permission has been granted for the development of the site and is currently being implemented.

5. Description of development

This application seeks to modify the legal agreement (s106) attached to the original planning permission. The existing agreement stipulates that no dwellings may be occupied until the highway improvement works at the junction of West Road with the A35 – specifically the completion of the Miles Cross roundabout – have been fully carried out. The modification sought would enable occupation of 109 dwellings before completion of the Miles Cross roundabout.

6. Background and relevant planning history

WD/D/17/000986 - Decision: GRA - Decision Date: 02/05/2019

Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links.

This application was approved subject to conditions and a s106 agreement requiring the provision of junction improvements where West Road joins the A35 (the Miles Cross

roundabout) and that none of the development be occupied until the approved works are completed.

P/NMA/2025/05930 (not yet determined) accompanying application sitting alongside this application to modify the legal agreement:

Non material amendment - update conditions 24 & 25 to allow a level of development to proceed prior to completion of the Miles Cross roundabout scheme to planning permission WD/D/17/000986 (Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links)

7. Development Plan 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
- BRID1 Land at Vearse Farm

Made Neighbourhood Plans

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

- Policy AM2 Managing vehicular traffic

Other Material Considerations

Emerging draft Dorset Council Local Plan:

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 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 Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025):

Paragraph 116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8. Consultations

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

Consultees

National Highways – No objection to a revised occupation trigger of 109 dwellings being occupied in advance of the completion of the A35 Miles Cross improvements.

Dorset Highways – No objection.

Symondsburry Parish Council – Objection

The compromise suggestion of allowing 109 properties to be occupied during the construction of the new junction was rejected because how was the number arrived at.

There was no real trigger point in the suggestion as to what a meaningful start to the works was.

There was no real commitment on behalf of the developers and that they were using the availability of a number of affordable housing units to sway the commercial decision to allow occupation.

The section 106 has to be amended by deed of variation to accommodate any change. This in itself could take some time.

As such the benefit of the occupation of houses, even noting the need locally, was not acceptable.

Bridport Town Council - No objection subject to conditions:

Construction of the roundabout takes place between January and September 2026.

Number of properties to be completed and occupied is to be limited to 109.

The need for affordable housing as identified in the Bridport Area Neighbourhood Plan (Objective 5 and Policy H1) is noted.

As one of Bridport Town Council's key priorities is to deliver affordable/social housing, the developers note and share this.

Request that the following be given significant weight in determining this application:

Given the defined need for social rent housing to address the affordability crisis in the Bridport area it would be preferable to see inclusion of more social rented housing.

Ward member - No reply

CIL team – No comment

Representations received

Total - objections	Total - No objections	Total - comments
11	2	0

Petitions objecting	Petitions supporting
0	0

Summary of comments of objections:

‘Type’ of application made questioned;

Should be a committee decision;

Should be subject to Environmental Impact Assessment;

Question some of the applicant’s statements in support of the application;

Accept that a lower figure of 335 which could allow occupation of some affordable housing might be acceptable.

Roundabout (& s106 obligations) needed (now) for highway safety;

Traffic and its management must be considered.

Summary of comments of support:

Will deliver affordable housing.

9. 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.

10. Public Benefits

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

What	Amount / value
Material Considerations	
Affordable housing	302 dwellings
Quantum of greenspace	23ha
Play areas	2 Sports pitches including MUGA, 2 LEAPs, 1 NEAP
Skills Academy	1 building
Self-build land	0.4ha

Provision of allotments	0.5ha
Orchards	0.25ha
Implementation of Landscape Environment Management Plan.	A large number of biodiversity and landscape enhancements
Hedgerow payments	£50,282.20
Bridport leisure centre payment	£429,000.00
Healthcare provision payment	£225,000.00
School site and its transfer to Dorset Council	2.0ha
Education contribution payment	£5,444.00 per qualifying dwelling
B3162 contribution	£100,000.00
Biodiversity compensation payment	£96,990.82
Highway works	Miles Cross, mini roundabout, traffic calming and footway/cycle access
Existing public footpath improvement contribution	£212,000.00
Non-Material Considerations	
Council Tax	According to value of each property
CIL	Zero rated
New Homes Bonus	A proportion of provisional 2022-2023 allocation of £3,759,871.00

11. Planning Assessment

Principle

- 11.1 This application principally concerns the timing of the delivery of the Miles Cross roundabout. It was considered necessary for the roundabout to be constructed and completed prior to the occupation of any of the 760 dwellings approved at Foundry Lea, at the time of the grant of the outline planning permission and that was what was secured in the associated S106 agreement. This current application to modify the legal agreement originally sought to allow occupation of 335 dwellings before completion of the Miles Cross roundabout. In consideration of objection from National Highways, the application was revised to seek occupation of 109 dwellings before completion of the Miles Cross roundabout. Therefore, the application has been revised during its lifetime and re-consultation on the revised proposal carried out.
- 11.2 Outline planning permission was granted (ref: WD/D/17/000986) subject to a number of conditions of which two are sought to amended under an associated and as yet undetermined application for a non material amendment. These are:

• **Condition 24** – *“No part of the development hereby permitted shall commence unless a detailed scheme at the junction of the A35 (Trunk Road) and the B3162 known as Miles Cross as shown generally on drawing number 10006-SK-06 Revision E produced by Brookbanks Consulting has been submitted to and approved in writing by the local planning authority.*

The detailed scheme will include details of surface water drainage, materials, lighting, construction traffic management plan, traffic management plan and a programme to

show that the Miles Cross works will be completed in advance of any occupation of the development. The improved junction at Miles Cross shall not be provided otherwise than in accordance with the approved detailed scheme, subject to the outcomes of Road Safety Audit.

- **Condition 25** – “No part of the development hereby approved shall be occupied until the works detailed in condition 24 relating to the Miles Cross roundabout junction above are complete and open to traffic.

11.3 A number of planning obligations were secured in a section 106 Legal Agreement, which was dated 1st May 2019 of which a variation is sought under this application:

- **Schedule 3, Part 16, para. 17.2** – not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works.

11.4 At the time of making this current application, in *summary* the applicant states the following:

It would be problematic to complete the roundabout within a small timeframe from January 2026 – April 2026;

That delay would affect the delivery of affordable housing as well as housing which contributes to housing land supply;

That the type of application made is a legally valid one;

The reasoning for the timing of the construction of the roundabout in the original planning application was questionable:

Supporting information is provided by highways engineers demonstrating why a delay should be accepted; and,

Works would commence September 2026 with a 36 week build programme, which would mean that they will not be complete until May 2027;

In the interim some dwellings could be sold prior to the roundabout being completed.

11.5 To enable the applicant's request, the conditions would need to be varied as follows (the key change in **bold**) and these amendments are the subject of the associated application for a non-material amendment:

- **Condition 24** - “No part of the development hereby permitted shall commence unless a detailed scheme at the junction of the A35 (Trunk Road) and the B3162 known as Miles Cross as shown generally on drawing number 10006-SK-06 Revision E produced by Brookbanks Consulting has been submitted to and approved in writing by the local planning authority.

*The detailed scheme will include details of surface water drainage, materials, lighting, construction traffic management plan, traffic management plan and a programme to show that the Miles Cross works will be completed in advance of the occupation of the **110th dwelling** pursuant to this permission. The improved junction at Miles Cross shall not be provided otherwise than in accordance with the approved detailed scheme, subject to the outcomes of a Road Safety Audit.*

- **Condition 25** - *“There shall be no occupation of more than **109 dwellings** pursuant to this permission until the works detailed in condition 24 relating to the Miles Cross roundabout junction above are complete and open to traffic.*
- 11.6 To enable the applicant’s request, the s106 would need to be varied as follows:
- **Schedule 3, Part 16, para. 17.2** *“Not to permit the Occupation of more than **109 dwellings** until the Provisional Completion of the Miles Cross Junction works.”*
- 11.7 The reason for these conditions and this part of the legal agreement was to secure the improved access onto the A35.
- 11.8 Land at Vearse Farm is allocated under Policy BRID1 in the adopted local plan as a mixed-use urban extension to Bridport. Its purpose is *“to meet the long-term needs of the town, with new homes, employment workspace and community facilities, including a new school, leisure and recreation facilities and public open space”* (para. 13.3.1 refers).
- 11.9 In terms of the junction in question, Local Plan Policy BRID1 states:
- “...the development will deliver highway improvements necessary for the development to go ahead, including improvements to the Miles Cross junction of the A35 with the B3162 West Road...”*
- and
- “...the development is appropriately phased to ensure necessary infrastructure and mitigation measures are delivered in advance of occupation”*
- 11.10 Local Plan Policy COM7 (Creating a safe and efficient transport network) confirms that, amongst other things, development will not be permitted where the residual cumulative impacts on the efficiency of the transport network are likely to be severe and where development would have a severe detrimental effect on road safety, or measures can not be introduced to reasonably mitigate potentially dangerous conditions.
- 11.11 The Bridport Area Neighbourhood Plan was Made in May 2020. It contains no references to the Miles Cross Junction improvement works. Policy AM2 (Managing vehicular traffic) confirms that proposals for new development which will generate increased vehicular traffic should, amongst other things, make the best use of existing transport infrastructure through the improvement and the reshaping of roads and junctions, where required, to improve pedestrian access and connectivity to surrounding areas.
- 11.12 Whilst the detailed technical design of the junction improvement has been resolved by the applicant, progress on the delivery of the junction cannot progress until the section 278 agreement has been entered into. At present, the section 278 agreement cannot be signed until there is agreement over when the works will be undertaken. There is a provisional agreement for the works to commence in January 2026 for a period of 36 weeks until September 2026. The applicant is not seeking to contest the need for, or the design of, the consented roundabout improvement to the Miles Cross Junction. The amendments only seek to amend the trigger point for when they are required.
- 11.13 This application only concerns the variation of the legal agreement under s106A of the Planning Act. If the variation to the legal agreement were found to be acceptable, then the application for the non-material amendment to the wording of the conditions would

also be considered acceptable by officers and both decisions would be made at the same time.

- 11.14 The principal issue which is material relates to highway safety and whether to allow a limited number of dwellings to be occupied prior to the completion of the Miles Cross Junction works.

Highway Safety

- 11.15 The revised application proposals were referred to National Highways and Dorset Highways. The large majority of the works fall within the control of National Highways where these would occupy the trunk road (A35) and a much smaller part would be within the control of Dorset Highways where these would occupy West Road.
- 11.16 In consideration of the original proposal for the occupation of 335 dwellings before completion of the Miles Cross roundabout, National Highways considered that development which increases turning movements (particularly right turns) through the A35 Miles Cross junction remained an unacceptable highway safety risk in the absence of mitigation, and considered that the applicant had not demonstrated that network conditions have materially changed, such that it would make the addition of turning movements associated with 335 dwellings acceptable in advance of the delivery of identified improvements.
- 11.17 National Highways has advised the applicant that it would be able to facilitate a start of works in January 2026 to allow for a full construction programme through to September 2026. This start date has also been agreed by Dorset Council's highways officers. National Highways accept the proposal as now revised to allow a maximum of 109 occupations prior to the scheme being completed and open to traffic. National Highways consider that whilst this would require National Highways to accept a degree of additional risk to their network, particularly at Crown and East Road roundabout junctions, their proposed approach would provide National Highways with greater certainty that the works will be completed within a given timeframe, and the associated traffic management measures that will be in place during the works would provide some controls to mitigate for additional turning movements at Miles Cross. Therefore, these requirements would not lead to danger to road users.
- 11.18 Dorset Highways have also made comments supporting National Highways approach to the trigger of 109 dwellings being occupied and have no objection to the variation of the legal agreement accordingly.
- 11.19 The applicant has agreed to a maximum of 109 dwellings being occupied prior to the scheme being completed and open to traffic.
- 11.20 It is considered that allowing a maximum of 109 dwellings to be occupied prior to the roundabout being completed and open to traffic would be acceptable in terms of highway safety.

Other matters

- 11.21 The 109 total number of dwellings to be occupied before completion of the Miles Cross roundabout (a question raised by the parish council) is derived from firstly an analysis by National Highways and secondly from the following table which was provided by the applicant:

The housing delivery programme for the development is presently:

	2025/26	2026/27	2027/28 (1 ST APRIL TO 31 ST MAY)	TOTAL
BDW open market housing	23 (including five show homes and sales office)	68	21	112
BDW affordable housing	0	36	0	36
BDW total	23	104	21	148
VG open market housing	18 (including three show homes and sales office)	23	17	58

VG affordable housing	68	49	2	119
VG total	86	72	19	177
Total	109	176	40	325

The table above demonstrates that without the amendments sought, up to 109 homes that could otherwise be occupied, would be prevented from doing so. Of this figure, a total of 68 much needed affordable homes would be prevented from being occupied (62% of the 109 dwellings).

- 11.22 It is noted the Town Council comment that given the defined need for social rent housing to address the affordability crisis in the Bridport area, it would be preferable to see inclusion of more social rented housing. This application does not present the opportunity to alter the provision of affordable housing. The percentage/type of affordable housing would not directly affect highway safety. The existing section 106 Agreement, in summary, makes obligations for 35% of the dwellings to be affordable with 70% (186 dwellings) as affordable rented units and 30% (80 dwellings) would be shared ownership homes. The scheme further includes 5% of the affordable rented units as Cat 2 Accessible and Adaptable Dwellings. There are no planning policy grounds for changing these requirements.
- 11.23 A number of comments have been made questioning the 'behaviour' of the applicant. These are not material considerations in determination of the application. The application must be determined according to the merits of the case alone.

- 11.24 The development was subject to an Environmental Statement under the Environmental Impact Assessment regulations and a suitable assessment was undertaken prior to reaching the original decision to grant outline planning permission. The current application is not in itself considered to constitute need for additional assessment under those regulations.
- 11.25 Traffic and its management during construction has been agreed for the development to date through discharge of condition 20 (of WD/D/17/000986) and approval of a Construction Traffic Management Plan. Further discharge of the condition for the Miles Cross works is required and the applicant has sought discharge of the condition which is currently under consideration.

12. Summary of issues and the planning balance

- 12.1 It is considered that the occupation of 109 dwellings before completion of the Miles Cross roundabout would not lead to danger to road users and would accord with the NPPF and Policies BRID1 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policy AM2 of the Bridport Neighbourhood Plan (2020).

13. Recommendation

Recommendation A: Grant, subject to the completion of a deed of variation of the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services manager to secure the following:

- **Schedule 3, Part 16, para. 17.2** *“Not to permit the Occupation of more than 109 dwellings until the completion of the Miles Cross Junction works.”*

Recommendation B: Refuse permission for the reasons set out below if the agreement is not completed by 30 April 2026 or such extended time as agreed by the Service Manager for Development Management and Enforcement:

1. The planning obligation dated 1 May 2019 (planning application ref: WD/D/17/000986) continues to serve a useful planning purpose, securing the provision of a junction improvement. In the absence of a deed of variation to the s106 agreement, the requirement not to permit the occupation of any dwelling until the provisional completion of the Miles Cross Junction works shall stand.

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Agenda Item 6

Application Number:	P/FUL/2025/05407
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	5A Surrey Close Granby Industrial Estate Chickerell DT9 9TY
Proposal:	Change of use of the land and siting of 34 storage containers and associated works including installation of electric gate and security fencing, reconfiguration of car park layout and modification of existing cycle store
Applicant name:	Chelaberd Ltd
Case Officer:	Steve Tapscott
Ward Members:	Cllr Clifford and Cllr Taylor

1. Reason application is going to committee

- 1.1 In accordance with the Council's scheme of delegation, this application is brought to committee for determination because Dorset Council is the landowner.

2. Summary of recommendation

- 2.1 Refuse for the following reasons:

1. The applicant has failed to supply sufficient information to allow for an accurate assessment of the transport implications of the proposed development. Adverse impacts on the local highway network and safety cannot therefore be ruled out or mitigated for, and the proposal is in conflict with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 116 and 117 of the National Planning Policy Framework (2025).

2. The application site contains a building that is currently overgrown with vegetation and is proposed to be partly demolished. Vegetation is also encroaching into the site in places, which will likely require removal. The new fencing and gates are proposed within existing areas of vegetation, but it is unclear whether this vegetation can be successfully retained. The applicant has failed to supply sufficient information to allow for an accurate assessment of any wildlife interest that may be affected by the development. This means it is impossible to understand the baseline position and assess what mitigation/compensation and enhancements are required. The proposal is therefore in conflict with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015); Policy CNP12 of the Chickerell Neighbourhood Plan (2021); and paragraph 193 of the National Planning Policy Framework (2025).

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable: the proposal is for a B8 storage and distribution (employment) use on a safeguarded Key Employment Site.
Scale, design, impact on character	Acceptable: the site is within an existing employment site, with a range of buildings and scales. Revised plans have repositioned the proposed fencing, and additional landscaping could theoretically be secured by a condition.

Issue	Conclusion
Neighbour amenity	Acceptable: the site is approximately 240m from the nearest residential property, and the use is unlikely to result in harmful disturbance.
Highway impacts, safety, access and parking	Unacceptable: the applicant has failed to supply sufficient details to demonstrate the development would be safe from a transport perspective.
Flood risk and drainage	Acceptable: the site is an existing sealed surface, and the siting of containers would not lead to any material difference in flood risk or drainage terms.
Ecology	Unacceptable, as the applicant has not clarified the amount of habitat removal required. It is therefore unclear whether there would be impacts on protected species or habitats.
Biodiversity Net Gain	Acceptable: although officers believe the development is liable to BNG and the applicant's agent does not, this is a post-permission matter.
Impacts on Chesil and the Fleet Special Area of Conservation (SAC)	Acceptable: the identified risk to this habitat site is through recreational impacts associated with new overnight accommodation. The proposed B8 use would therefore not lead to any likely significant effects on the SAC.

4. Description of site

- 4.1 The 0.16ha site is located in the Granby Industrial Estate, which is safeguarded in the local plan as a Key Employment Site. It comprises an area of parking currently used by staff and visitors to the surrounding industrial units. To the north and south are industrial premises; to the west is the Dorset Echo building; to the east is a golf course.
- 4.2 Levels slope gently downwards to the north. Existing boundaries are a mixture of wooden fencing and planting. The existing access is not enclosed, but a barrier is in place to prevent access by vehicles larger than 2.1m in height.
- 4.3 Built form varies considerably in terms of styles, sizes and positions in their plots. There is a large amount of variation in the street scene.

5. Description of development

- 5.1 This application seeks full planning permission to install a total of 34 storage containers, of which 23 would measure around 6m long, 2.35m wide and 2.6m high, while 11 would measure approximately 3m long, 2.35m wide and 2.4m high. These would be concentrated towards the southern half of the site, albeit incorporating vehicular circulation space to allow for access. The northern half would retain 21 of the existing 60 parking spaces, i.e. leading to a loss of 39 spaces. An existing cycle store would be reduced in size, and a new palisade (or similar) fencing would be installed along the western edge of the site, around the entrance. A sliding electric gate is proposed for security. These means of enclosure would be approximately 2m high.
- 5.2 The application form states that the development would not provide any new jobs.

6. Relevant planning history

- 6.1 It appears likely that the parking area was provided pursuant to planning permission ref. 1/E/86/000113, granted in 1986 to 'erect office accommodation with car parking and

landscaping.' Whilst there are no electronic records on file, the parking area can be seen in application ref. 1/E/88/000765 for a temporary cabin, which shows that it has been well established since at least the late 1980s.

7. List of constraints

- ECON2; Key Employment Site; Granby Industrial Estate, Chickerell
- SUS2; Defined Development Boundary; Weymouth
- Wessex Water Treatment Works Catchment Other WRC catchments
- Dorset Council Land Freehold: Waverley House & The Print Centre & various units at Surrey Close & Hampshire Road, Granby Industrial Estate, Weymouth - Reference FH004363
- Natural England - RAMSAR
- Special Area of Conservation (SAC) (5km buffer): Crookhill Brick Pit (UK0030349);
- Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076);
- Special Area of Conservation (SAC) (5km buffer): Isle of Portland to Studland Cliffs (UK0019861);
- Site of Special Scientific Interest (SSSI) impact risk zone;
- Risk of Surface Water Flooding Extent 1 in 100
- 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
- Portland heliport consultation zone (within 13km)
- Radon: Class: 1.0
- Contaminated Land
- ONR Portland - 12km zone

8. Consultations

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

Consultees

1. **Dorset Council – Highways:** 'defer' comment on grounds of insufficient supporting information. This includes whether there is existing capacity for the displaced parking need and for the needs of the proposal; hours of business; whether there would be a booking system or carpark management plan; possibility of queues; details of active travel (walking, wheeling and cycling), sustainable travel and access for pedestrians/non-motorised modes; lack of detail on the submitted swept path drawing to show the type of vehicle and demonstrate an HGV can track through the proposed layout; arrangements for emergency services access; and visibility splays.
2. **Dorset Council – Environmental Protection:** no objection, subject to a condition detailing the procedure for the discovery of unexpected contamination.
3. **Dorset Council – Asset and Property:** no response received.
4. **Dorset Council – Building Control:** no response received.
5. **Dorset Council – Economic Development and Tourism:** no objection.
6. **Dorset Council – Natural Environment Team:** *'from the information provided I am not clear on the amount of vegetation removal required to facilitate the development, I would request that the applicant provide further information on the areas of habitat to be removed or cut back to ensure they meet the BNG exemption criteria and for me to provide comment on potential for impacts to protected species.'*
7. **Cllr Clifford:** no response received.
8. **Cllr Taylor:** no response received.

- 9. Chickerell Town Council:** initial question raised over what would be stored within the containers. The case officer informed the town council that the future contents of the containers is not a material planning consideration.

Representations received

- 8.2 Two letters of objection received from the occupier of Unit C, Oxford Court, Cambridge Road. The first was in respect of the original plans, on grounds of:
- Loss of parking for existing industrial units, which would lead to parking on the surrounding roads and therefore congestion.
 - Failure to demonstrate sufficient turning space.
 - Highway safety in terms of additional traffic movements.
 - No details of who would use the containers (domestic or commercial), hours of operation or how security would be managed. This could undermine the operation of neighbouring businesses. The development could affect their viability.
 - The carpark is a vital piece of infrastructure that would be lost.
 - Impacts on visual amenity.
 - Loss of habitat.
 - The development could lead to localised flooding or drainage issues.
- 8.3 The objector was notified of the revised plans, and they maintain all of their concerns.
- 8.4 The Weymouth Civic Society has also objected. This is on grounds of the lack of employment sites in both the existing and proposed local plans. They believe this proposal would lead to a reduction in existing allocated employment land.

9. Duties

- 9.1 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.

10. Relevant policies

Development plan

West Dorset, Weymouth and Portland Local Plan (2015)

- INT1: Presumption in Favour of Sustainable Development
- ENV2: Wildlife and Habitats
- ENV9: Pollution and Contaminated Land
- 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
- ECON1: Provision of Employment
- ECON2: Protection of Key Employment Sites
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision

Chickerell Neighbourhood Plan (2021)

- CNP11: General Design Principles
- CNP12: Enhancing Biodiversity

Material considerations

Emerging Dorset Local Plan

- 10.1 The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18th August – 31st October 2025. In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

National Planning Policy Framework

- 10.2 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.

- 10.3 Other relevant NPPF sections include:

- Section 4: 'Decision making.' Paragraph 39 requires local planning authorities to 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 6: 'Building a strong, competitive economy.' Paragraph 87 specifically supports storage and distribution operations in suitably accessible locations.
- Section 11: 'Making effective use of land.'
- Section 12: 'Achieving well-designed places.' This indicates that all development is 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.' Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

- 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).

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.

- 11.1 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

- 12.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have 'due regard' to this duty. There are three 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.

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

13. Financial benefits

What	Amount/value
Material considerations	
Job creation	The applicant has stated that no jobs would be created.
Non-material considerations	
Business rates	Unknown.

14. Environmental implications

14.1 The environmental implications of the proposal are unclear, as the applicant has not supplied sufficient information in respect of habitat loss or biodiversity.

15. Planning assessment

Background

- 15.1 This application was originally described and advertised as relating to 35 new storage containers. The plans identified a container to the east of the site as being proposed for removal, but that was at odds with the supporting statement and application form, which make no reference to it. When this was queried with the agent, they then requested it be removed from the plans, and for the red line to be redrawn. The agent was advised that this would reduce the number of containers to 34, and the description of development would need to be changed.
- 15.2 At the same time, concerns were raised by the case officer over the visual impacts of the 2m high '*palisade or similar*' fence right along the road frontage, which would have not been mitigated by any planting. The case officer suggested to the agent to adjust the application red line to include more land that could be used for planting, while the fencing could be set further back. Owing to the presence of existing planting to the north of the proposed new access gates and within the application red line, the case officer also suggested setting back the fencing and gate behind this planting to take advantage of the screening it would provide.
- 15.3 Amended plans were submitted and the agent agreed to the revised description. The revisions were subject to a three-week period of re-consultation.

Principle of development

- 15.4 This proposal is for storage and distribution, which is a B8 use. The preamble to Policy ECON1 of the local plan confirms that employment development includes B-class uses. The proposed fencing and cycle storage would be in conjunction with the proposed use.
- 15.5 Policy SUS2 of the local plan aims to direct development, including employment, towards Defined Development Boundaries (DDBs), while Policy ECON1 also directs employment to within settlements.
- 15.6 Policy ECON2 allows for B8 uses within Key Employment Sites, '*subject to proposals not having a significant adverse impact on surrounding land uses.*'

- 15.7 The application site is within Weymouth's DDB and in a Key Employment Site. The proposal is therefore in accordance with policies SUS2, ECON1 and ECON2 of the local plan. It is acceptable in principle, subject to consideration of all other relevant policies and material considerations.
- 15.8 The neighbour's objections on grounds of a lack of details as to who would use the containers (domestic or commercial) and how security would be managed are noted. However, these are commercial matters and not material planning considerations. Chickerell Town Council's question over what would be stored within the containers is also noted, but the substantive issue for consideration under this application is the use of the land for storage, not what would be stored. Should anything hazardous be stored, for example, that would be a matter for Environmental Protection or potentially the Environment Agency to enforce.

Scale, design and impacts on local character

- 15.9 Whilst the site is visible from the public highway, it is in a relatively discreet location towards the end of Surrey Close, already well screened by fencing and vegetation. There is a wide variation in terms of building sizes and designs in this part of the industrial estate, and there are no relevant townscape or heritage constraints covering the locality that would influence the proposal.
- 15.10 The revised site plan shows that the containers would be arranged towards the southern half of the site, meaning the northern half would remain as parking. With the proposed 2m high new fencing and electric gate in place, it is unlikely the c.2.4 – 2.6m high containers would be visually intrusive in this context.
- 15.11 The proposed new fencing originally followed the western edge of the application red line, and no planting was shown on the submitted site plan. At 2m high and '*palisade or similar*,' this fencing could have appeared dominant, intrusive and at odds with the open verges and softer chain link fencing found in the immediate local area. Revised plans were therefore received from the agent, to show the fencing set back behind existing planting, while the application red line has been enlarged to allow for additional planting. This planting could theoretically be secured by a planning condition, had the application been acceptable in all other respects.
- 15.12 The proposal therefore accords with policies ENV12 and ECON2 of the local plan and Policy CNP11 of the neighbourhood plan.

Neighbour amenity

- 15.13 The most likely source of disturbance from this proposal is noise from vehicles entering and exiting the site. However, it is located approximately 240m from the nearest residential properties at Cumberland Drive to the south, which is a sufficient separation distance. Office workers in the units to the immediate north may be able to perceive comings and goings of vehicles, but the level of disturbance is unlikely to be significant, particularly given the context of this being a safeguarded employment site where a degree of noise and activity is expected.
- 15.14 No objections are raised by Environmental Protection to the proposals, subject to a condition in respect of the procedure for the discovery of unexpected contamination. Had the application been acceptable in all other respects, this would be reasonable.
- 15.15 The neighbour's concerns in terms of hours of operation are noted, but there are no compelling amenity grounds that would justify a condition restricting opening hours.
- 15.16 The proposal therefore accords with policies ENV9 and ENV16 of the local plan.

Flood risk and drainage

- 15.17 The site is identified in the Strategic Flood Risk Assessment as being at risk of surface water flooding, both now and with an allowance for climate change. According to Annex 3 of the NPPF, storage and distribution is a 'less vulnerable' use, and it is unlikely that people

would be present onsite for the majority of the time. As such, there would be no demonstrable risk to life requiring consideration.

- 15.18 The containers would be sited on existing hard surfacing, so there would be no material difference in drainage terms. The development would not be subject to the sequential test as paragraph 176 of the NPPF confirms that it does not apply to changes of use, save for caravanning, camping, mobile homes and chalet sites, which this is not. Whilst a new cycle store is proposed, it is much smaller than the existing on site and is sited outside of the area of flood risk on the site (northern edge of the site only) and so taking a proportionate approach as per the planning practice guidance on flood risk it is considered that the proposed new cycle store would not trigger the need for a sequential test assessment.

Highway impacts, safety, access and parking

- 15.19 Policy COM7 of the local plan says that development will not be permitted where the residual cumulative impacts on the efficiency of the transport network are likely to be severe. It goes on to say that development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.
- 15.20 At the national level, paragraph 116 of the NPPF directs local planning authorities to refuse development that would lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. Paragraph 117 draws attention to the need to ensure that places are safe and designed to allow for the efficient delivery of goods and access by service and emergency vehicles.
- 15.21 The Local Highway Authority (LHA) responded with a 'defer' comment because of the lack of supporting information in respect of transport. The LHA cited numerous issues that were not addressed, including whether there is existing capacity for the displaced parking need and for the needs of the proposal; hours of business; whether there would be a booking system or carpark management plan; possibility of queues; details of active travel (walking, wheeling and cycling), sustainable travel and access for pedestrians/non-motorised modes; lack of detail on the submitted swept path drawing to show the type of vehicle and demonstrate an HGV can track through the proposed layout; arrangements for emergency services access; and visibility splays.
- 15.22 The agent has provided a rebuttal, which contains no technical information. The rebuttal was discussed with the LHA, and their concerns remain in terms of the lack of sufficient information on which to base an informed decision. For example, in relation to HGVs, the agent states, *'not many people will arrive with an HGV,'* but they nonetheless do not rule out HGVs accessing the site. They also say that HGVs could *'turn in the car park at the end of the industrial park,'* which implies land to the northeast. However, this land is in third-party ownership and therefore outside of the applicant's control.
- 15.23 Officers are of the view that it is reasonable and necessary for the LHA and Committee to understand whether an HGV could successfully enter the site, navigate it, then exit without risking safety. The agent's response does not provide any degree of certainty.
- 15.24 The agent says that the site is privately owned and not currently publicly accessible. They claim that *'any parking which currently takes place is done so on an informal and unlawful basis as it is not policed. We can arrange for the site to be locked if that would make the point?'*
- 15.25 Whether or not it is possible for the applicant to lock the gate under the terms of their lease arrangement with Dorset Council (the landowner), the fact is the site is an existing carpark that has been used for decades by businesses on the industrial estate. This application proposes to lose 39 of those spaces, which could displace parking elsewhere, so it is reasonable for the LHA to understand what effect this might have on the local area. Displaced parking could lead to congestion on local roads, potentially hindering access to the site itself. The loss of parking used by existing businesses could also affect their trade.

15.26 The agent suggests that many of the LHA's questions could be addressed through planning conditions. Whilst conditions can be appropriate in some instances, it is important to get a full understanding of the impacts of a proposal first and ascertain whether there would be any severe impacts needing mitigating. The lack of information means that it is impossible to fully understand the transport implications and therefore rule out/mitigate against any issues. Consequently, the Council needs to adopt a precautionary approach to this application and identifies conflict with Policy COM7 of the local plan and paragraphs 116 and 117 of the NPPF.

Ecology

- 15.27 Policy ENV2 of the local plan says that where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where avoidance or mitigation are not possible, compensation is required.
- 15.28 Policy CNP12 of the neighbourhood plan says that development should protect and, where practicable, enhance biodiversity. This should be through an understanding of the wildlife interest that may be affected by a development, and the inclusion of measures to ensure an overall biodiversity gain. It says that a certified Biodiversity Plan will be required for *'the development of any site in excess of 0.1ha.'*
- 15.29 At the national level, paragraph 193 of the NPPF contains the same hierarchy as Policy ENV2 in terms of avoiding, mitigating or compensating for impacts on biodiversity.
- 15.30 In this case, no ecological information has been supplied by the applicant, and the Natural Environment Team has responded to say they are unable to comment in respect of habitat loss or impacts on protected species.
- 15.31 The submitted application form and the applicant's supporting statement say that there is no onsite habitat. However, the development would involve removing approximately 27.5sqm of an existing, overgrown cycle store, and the site is overgrown elsewhere, particularly to the east, where vegetation is encroaching into the site and will likely require removal.
- 15.32 Although it was the case officer's suggestion to reposition the fencing and gates further east to within the existing planting along the frontage, it was always apparent that habitat might be affected under the originally submitted plans. Even before the site plan was superseded with a revised version, the proposal showed the existing chain link fencing along the pavement edge as being removed in favour of the new fencing in a different position, passing right through the existing vegetation. The applicant has never at any point supplied any information to show whether the original plans or the revised set would require the removal of any vegetation or if the enclosures can be accommodated successfully among it.
- 15.33 As required by Policy CNP12 of the neighbourhood plan, the applicant should have supplied a Biodiversity Plan with their application because the site exceeds 0.1ha in size. Had they complied with this requirement, the situation would have been clearer.
- 15.34 In the absence of any information, it is impossible for the Council to understand the baseline position; whether any habitat or species would be affected; and, if so, what mitigation/compensation and enhancements are required. Impacts on habitats and species therefore cannot be ruled out, and the proposal is in conflict with Policy ENV2 of the local plan; Policy CNP12 of the neighbourhood plan; and paragraph 193 of the NPPF.

Biodiversity Net Gain (BNG)

- 15.35 The Natural Environment Team has responded to say they are unable to comment in respect of BNG because of the lack of submitted information. The applicant's agent's stance is that BNG does not apply because the amount of vegetation removal would not breach the 25sqm threshold triggering BNG. However, officers are of the view that the combined areas of vegetation removal, plus any vegetation that would die or require removing to accommodate the fencing/gate, would exceed 25sqm. Nevertheless, despite this disagreement, BNG is a post-permission matter, and had the application been

acceptable in all respects, it would be subject to the statutory BNG condition. As such, the failure to demonstrate BNG is not a reason for refusal.

Impacts on Chesil and the Fleet Special Area of Conservation (SAC)

15.36 Impacts on this SAC arise through recreational pressures associated with new overnight accommodation. The proposed storage and distribution use is therefore acceptable without causing any likely significant effects on this habitat site.

Planning balance

- 15.37 The proposed development is in conflict with the development plan for the reasons discussed above. Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 15.38 In this case, it is likely the development would lead to an economic gain through the use of the carpark for storage and distribution. However, the weight to be attached to this is diminished because it is currently unclear whether the productivity of other businesses would be affected through the reduction in parking. No weight can be given to job provision, as the applicant has stated that no jobs would be created.
- 15.39 The failure to understand or demonstrate highway safety weighs heavily against the proposal. Whilst paragraph 87 of the NPPF is supportive of storage and distribution uses, these need to be in '*suitably accessible locations*,' which remains unclear. Substantial negative weight is also attributed to the failure to understand or demonstrate whether biodiversity would be harmed. Indeed, paragraph 193 of the NPPF directs councils to refuse planning permission where significant harm to biodiversity cannot be avoided, mitigated for or compensated for. Again, this is currently an unknown.
- 15.40 In light of these factors, the identified conflict with the development plan is not outweighed by any material considerations.

16. Conclusion

16.1 The proposed development fails to demonstrate highway safety, and it fails to rule out impacts on ecology. It does not therefore accord with the relevant policies of the adopted local plan, the neighbourhood plan and the NPPF and is recommended for refusal.

17. Recommendation

17.1 Refuse for the following reasons:

1. The applicant has failed to supply sufficient information to allow for an accurate assessment of the transport implications of the proposed development. Adverse impacts on the local highway network and safety cannot therefore be ruled out or mitigated for, and the proposal is in conflict with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 116 and 117 of the National Planning Policy Framework (2025).
2. The application site contains a building that is currently overgrown with vegetation and is proposed to be partly demolished. Vegetation is also encroaching into the site in places, which will likely require removal. The new fencing and gates are proposed within existing areas of vegetation, but it is unclear whether this vegetation can be successfully retained. The applicant has failed to supply sufficient information to allow for an accurate assessment of any wildlife interest that may be affected by the development. This means it is impossible to understand the baseline position and assess what mitigation/compensation and enhancements are required. The proposal is therefore in conflict with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015); Policy CNP12 of the Chickerell Neighbourhood Plan (2021); and paragraph 193 of the National Planning Policy Framework (2025).

Application Number:	P/LBC/2025/05844
Site address:	Lyme Regis Harbour The Cobb Lyme Regis DT7 3JJ
Proposal:	Repair to void under The Cobb by filling with marine concrete and repair to damaged/destroyed concrete toe. Erection of temporary counterbalance scaffold and Haki steps
Applicant name:	Adam Steele
Case Officer:	Eve Van der Steen
Ward Member(s):	Cllr Bawden

1. Reason application is going to committee:

This application has been brought to committee as the structure to which the application relates is owned by Dorset Council and Dorset Council is also the applicant.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area.	No adverse impact.

4. Description of site

- 4.1 The Cobb is a monolithic sea wall of medieval origins which contains the harbour at Lyme Regis. It is grade I listed and provides some defence of the town against the effects of coastal erosion and storm damage. The Cobb shelters the harbour, a working fishing port.
- 4.2 The part of the Cobb to which this application relates is the base of the outer face of the area locally known as the 'Ginshop Turn'. This is the curved section of walling between the High Wall and the Southern Arm, as indicated on the plan within the submitted Design and Access Statement.
- 4.3 The Cobb is built of various types of stone, but the outer face of the area to which this application relates is of massive, squared blocks thought to date from an 18th or 19th century phase of repairs and rebuilding.

5. Description of development

- 5.1 These emergency works seek to repair a section of deep voiding beneath the Cobb and advanced stage deterioration of the structure's concrete toe. This work involves the infilling of the void with marine concrete and the repair and reinstatement of the failed concrete toe.

6. Background and relevant planning history

WD/D/17/001111 - Decision: RESPONDED Decision Date: 15/06/2017

Pre-Application Consultation - Installation of cylindrical steel piles for the permanent anchoring of pontoons

WD/D/20/001420 - Decision: GRANT Decision Date: 17/12/2020

Extension and repairs to existing slipway and extension of existing boat storage

1/W/03/001935 - Decision: WITHDRAWN Decision Date: 28/11/2003

Erect extension to existing rock armour

1/D/10/001057- Decision: GRANT Decision Date: 23/09/2010

Fix 3 hardwood timber fenders

P/ESC/2021/03181 - Decision: EIA Decision Date: 27/09/2021

EIA Screening Opinion - Lyme Regis Structures and Breakwater Improvements.

P/ESP/2021/03192 - Decision: SCOPED Decision Date: 29/10/2021

EIA Scoping Opinion - Lyme Regis Structures and Breakwater Improvements.

7. List of constraints

Grade I Listed Building: The Cobb Piers and Walls, Including North Wall: HE Reference: 1229437 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed Building: Buildings on the Cobb Pier occupied by Lyme Regis Sailing Club HE Reference: 1279078 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Within the Lyme Regis Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

8. Consultations

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

Consultees

1. **Lyme Regis Town Council** - The town council supports the emergency works to maintain the integrity of the Cobb structure.

2. **Lyme Regis Ward Member**– no comments received.
3. **Historic England** – No comment: Historic England provides advice when our engagement can add most value. In this case we are not offering advice.
4. **National Amenity Societies** – no comments received.

Representations received – None.

9. Duties

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - includes 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 when considering whether to grant listed building consent.

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

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

ENV4 – Heritage Assets

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)

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).

Lyme Regis Conservation Area Appraisal (Review 2010)

The Lyme Regis Conservation Area appraisal outlines the history and development of the Cobb, highlighting that The Cobb is a key characteristic of the Conservation Area and contributes significantly to its special interest. The appraisal goes on to state that this structure forms the town's maritime 'gateway' and that it is the most prominent landmark in the settlement, providing immense architectural, historical and visual interest. Page 14 states that *"walking The Cobb is one of the great Lyme experiences, whether on the top paved route out towards sea or at the lower level around the harbour with its famous steps called Granny's Teeth, stores, anchored boats and views inland and along the coast. The Cobb's structure is equally memorable."*

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 proposal will not impact on people with protected characteristics.

13. Assessment

Impact on Heritage Asset, Setting and Conservation Area

- 13.1 The Cobb is an iconic and monolithic stone structure which encloses the working harbour at Lyme Regis. It also acts as a significant line of defence against coastal erosion and storm damage. It is highly visible from many vantage points around the town and forms a key element of the town's distinctiveness and historic character.
- 13.2 This proposal seeks to undertake repairs to a significant void beneath the stonework of the Cobb in a discrete area of the outer wall on the area of the structure known as the 'Ginshop Turn' – adjacent to the northern most part of the southern arm. The void is c. 7m by c. 2m and has a depth of approximately 0.3m and has resulted in large stone blocks being unsupported.
- 13.3 The proposed repair is suggested as a 'stopgap' repair whilst the larger Lyme Regis Environmental Improvement Works - Phase 5 is designed and goes through the approvals process. This larger project is intended to stabilise the whole of the Cobb.
- 13.4 It is proposed that marine concrete is pumped into the void from a temporary scaffold over the Cobb. The scaffold will be weighted down and not affixed to the structure. Once the void is filled, precast concrete blocks will be placed in front of this area in order to prevent washout of materials. These will be removed once the repair is complete. The damaged concrete toe will be repaired to match the areas either side of the failed area, using wooden formwork and marine concrete. The infill of this large void beneath the Cobb will locally stabilise the structure, preventing further wash-out of the core of the wall.
- 13.5 Opportunities to undertake this work are severely limited by the tides and weather as water levels must be very low to enable access to the base of the wall. It had been hoped that these repairs could be undertaken during the very low tides in the late autumn, however the weather was poor and it was agreed that a temporary holding repair using 11, one-tonne rock bags at the base of the wall would be undertaken instead. It is planned that the works for which consent is now sought will be carried out when tides/ weather permit in the New Year.
- 13.6 Prior to the submission of this LBC application, Historic England (HE) were consulted, regarding the urgent requirement for emergency intervention, at formal HE pre-application stage. Supporting methodologies, specifications and plans were reviewed, and consequently in response to consultation on this application Historic England had no comments to make and deferred detailed consideration of the proposals to the Council's conservation specialists. Furthermore, Natural England have confirmed that *"the plan or project as proposed would not have an adverse effect on the integrity of European sites."*
- 13.7 It is considered that the scale and methodology of these emergency repairs has been clearly justified and that the work will not cause harm to the significance of the listed structure, nor to the character and appearance of the Lyme Regis Conservation Area. Indeed, without these localised repairs, further undermining and scour of the base of the outer wall is possible which may result in much larger scale damage to the structure thereby increasing the scope of the wider stabilisation project in due course. As such the development is considered to accord with Policy ENV4 of the adopted Local Plan and the NPPF.

14. Conclusion

It is concluded that the development would have no adverse effect on the character and appearance of the Conservation Area or the significance of the Grade I listed structure and as such the proposals accord with the development plan and the NPPF. Regard has been had to the relevant duties of The Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching this conclusion.

15. Recommendation

15.1 Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

10/10/25 Location Map

LYMH-25-014-DW-002XS - Lyme Regis Cobb Emergency Repairs 2025 Outline Design Sheet 1 of 3

LYMH-25-014-DW-001PV - Lyme Regis Cobb Emergency Repairs 2025 Outline Design Sheet 2 of 3

LYMH-25-014-DW-003HZV - Lyme Regis Cobb Emergency Repairs 2025 Outline Design Sheet 3 of 3

Reason: To preserve the architectural and historical qualities of the building.

3. The development hereby approved shall be carried out in strict accordance with the repair method set out within the submitted Design and Method Statement produced by Sean Norsworthy, Dorset Council dated 3 October 2025

Reason: To preserve the special interest of and to prevent harm to the designated heritage asset.

Informative:

1. Please note that this decision notice relates only to listed building consent and does not grant planning permission for the proposed works or infer that the works would be permitted development.

Application Number:	P/FUL/2025/02894
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Kika Beach Club 52-53 The Esplanade Weymouth DT4 8DG
Proposal:	Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises
Applicant name:	Mr & Mrs Record
Case Officer:	Robert Parr
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee:

In accordance with the Council's scheme of delegation this application is brought to committee for determination as the application site includes adopted highway which is vested in Dorset Council.

2. Summary of recommendation:

2.1 Refuse permission for the following reasons:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended).
2. The proposed development is out of keeping with the heritage character of the site and the wider area and Esplanade, fails to positively preserve or enhance the unique Georgian architectural characteristics of the area and as such fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV12, Weymouth Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the National Planning Policy Framework (2025 as amended).

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Unacceptable
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Heritage impact	Unacceptable
Flood risk	Acceptable

Issue	Conclusion
Economic benefits	Acceptable
Highway impacts	Acceptable
Environmental Implications	Acceptable

4. Description of site

- 4.1 The application site is located fronting onto The Esplanade in Weymouth Town Centre and is approximately 30m southeast of the highway junction with New Street. This is a secondary shopping frontage area of Weymouth's Esplanade which is predominantly characterised by the historic Georgian period seafront. The application site comprises of the two existing mid terrace Grade II listed buildings 'York Buildings (Terrace) no.52 and 53 The Esplanade and a section of the highway pavement. The section of highway pavement within the application site spans the entire front of the existing buildings and extends out to encompass approximately 4.7m of the pavement to the northeast, leaving a strip of pavement approximately 2.3m in width.
- 4.2 The existing buildings are in use as the Kika Beach Club drinking establishment/restaurant, and this use extends outside of the building with an outdoor seating area that covers the section of highway pavement within the application site. The outdoor seating area covers an area of approximately 59m², is enclosed by timber clad and metal framed wall that ranges in height from approximately 2m to 1m, with a circular shaped opening frame for pedestrian access to the premises located towards the front of no.53 The Esplanade. The outdoor seating area has a fixed polycarbonate canopy in the centre of the two buildings and flanking this are two fixed canopy structures with retractable canopies. The canopy frames are painted white in colour and fixed to the listed buildings. Within the enclosed seating area are arranged various timber seats, tables and planters.
- 4.3 The application site is located within the Weymouth defined development boundary (DDB) and the Weymouth Town centre Conservation Area. Some of the adjacent drinking establishments have similar external seating areas featuring a variety of enclosure designs and canopies.

5. Description of development

- 5.1 Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises

6. Background and relevant planning history

- 6.1 Members attention is drawn to the live applications no. P/LBC/2025/01317 & P/FUL/2025/01316 in relation to the adjoining 54-55 The Esplanade (known as The Nook Cocktail Club) premises which propose to retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises.
- 6.2 The relevant planning history for the application site is set out below.

Application no.	Proposal	Decision	Decision Date
P/LBC/2025/02899	Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises	Under consideration	n/a

7. List of constraints

Weymouth Defined Development Boundary

York Buildings (Terrace) Grade II Listed Building List Entry: 1145950 (Application site)

York Buildings (Terrace) Grade II Listed Building List Entry: 1145951 (Application site)

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145952 Distance: 0m

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145953, Distance 10m

York Buildings (Terrace) With Area Railings Grade II Listed Building, List Entry: 1145954, Distance: 18m

Charlotte Row (Terrace) Grade II Listed Building, List Entry: 1145949, Distance: 0m

Weymouth Town Centre Conservation Area

Area of Archaeological Potential; Town Centre North of Harbour

Weymouth Level 2 Strategic Flood Risk Assessment

Weymouth Town Centre Strategy

Wessex Water Treatment Works Catchment

Dorset Council Land Freehold: 54-55A The Esplanade

Natural England RAMSAR: Chesil Beach & the Fleet - Distance: 3km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet - Distance: 3km

Portland heliport consultation zone (within 13km) - Distance: 4.6km

Radon: Class 1: Less than 1%

Office for Nuclear Regulation Portland 12km zone

8. Consultations

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

Consultees

1. Environment Agency (EA)

The EA considers the application to fall outside of their remit and have stated that they will not be providing any comments on the proposal.

2. Dorset Council Conservation Officer

It is concluded that the proposal due to its clutter and concealment of views of the listed buildings, would detrimentally impact the architectural significance of the listed buildings, the setting of neighbouring listed buildings and the special character and local distinctiveness of the Weymouth Town Centre Conservation Area.

The design and density of the proposal is considered overly dominant presenting a solid timber boundary and full covering of the area. The addition of this visual clutter, is of a heavy and overbearing nature.

It is noted that the canopies are retractable however there appears to be permanent metal framing to support the canopies. The central roofed section is also of a permanent nature, and neither is of a design or material appropriate for a Listed building. Both appear to be fixed to the host buildings with the potential to harm historic fabric. The proposal presents an alien and incongruous solid feature at odds with these traditional buildings.

Furthermore, the proposal adds visual clutter and a dense design which creates harm to the wider contribution made to the street scene and the character and appearance of the Conservation Area. The character and appearance of the Weymouth Town Conservation Area is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of solid timber boundaries, canopies and roofed sections would be incongruous with these defining characteristics. The Weymouth Town Conservation Area Character Appraisal highlights the need to preserve the unique character of the area and avoid alterations that could undermine its historic significance. The proposal is considered to not align with these guidelines and would negatively impact the overall appearance of the Conservation Area.

3. Dorset Council - Environmental Services - Food, Safety & Port Health

No comment.

4. Dorset Council - Environmental Services - Protection

No response received

5. Dorset Council - Asset & Property

No response received

6. Dorset Council - Highways

Response dated: 20 June 2025

- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

Response dated 25 July 2025

- The areas proposed maintain the minimum desirable 2m distance prescribed in Inclusive Mobility to enable pedestrians to safely pass the proposed seating area.
- This distance includes the existing bollards but would allow pedestrians to establish priority/give way with each other should pedestrian numbers require this.
- The 2m distance would enable safe and suitable access by persons using pushchairs, wheelchairs, and other walking aids to pass oncoming pedestrians, and is considered suitable for the level of pedestrian use in the location.
- The seating area will be enclosed at all times that the chairs and tables are located on the highway.
- The proposal also includes a canopy over the proposed seating area, the canopy and supports are retractable, and no part of the canopy is proposed as grounded into the block paving.
- The applicant will need to contact Dorset Highways via the Informative Note to obtain any necessary permissions or consents such as a sitting out licence (for table and chairs etc) and an oversailing license (for the canopy)
- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

7. Melcombe Regis Ward Member

No response received

8. Weymouth Town Council

The Council positively supports the application on the grounds of economic development.

Representations received

Weymouth Civic Society

We have concerns about these proposals, which would result in further additions to the barriers around the forecourts, effectively enclosing the space at the frontage, and affecting the setting of this historic Georgian terrace of buildings. We would ask that consideration is given to the particular context of these two properties, immediately adjacent to 51 The Esplanade (Harveys), and the effect on its setting. This is one of the most important of Weymouth's historic buildings, both as Harvey's Library in the Georgian era, and later as the prestigious premises of the Royal Dorset Yacht Club.

Total - objections	Total - No objections	Total - comments
0	0	1

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
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- 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
- COM7: Creating a safe & efficient transport network

- ECON4: Retail and town centre development
- WEY1: Weymouth town centre strategy
- WEY5: The Esplanade

Made Neighbourhood Plans

None

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.

Emerging neighbourhood plans

Weymouth Neighbourhood Plan - The Inspector's Examination Report was received on 23 September 2025. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. On the 23 October 2025 the Cabinet Member for Planning and Emergency Planning made the decision that the Weymouth Neighbourhood Plan 2021 to 2038, as modified, can proceed to referendum.

The Weymouth Neighbourhood Plan referendum was held on Thursday 11 December 2025 and the result was in favour of the Weymouth Neighbourhood Plan. The plan will now proceed to Cabinet on 27 January 2026 where a decision will be made on making the Weymouth Neighbourhood Plan part of the development plan for the Weymouth neighbourhood area.

Given the above the Weymouth Neighbourhood Plan can be given full weight in decision-making, so far as the plan is material to the application. The following emerging policies are considered to be relevant to this proposal:

- Policy W02: Conservation of the Natural Environment
- Policy W12: Riversides
- Policy W13: Panoramas, Vistas and Views
- Policy W14: Development Boundaries
- Policy W15: Extensions and Alterations
- Policy W34: Sustainable Development
- Policy W39: Weymouth Town Centre
- Policy W44: Design
- Policy W45: Heritage Assets

- Policy W46: Transport and Travel
- Policy W55: Public Spaces

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 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 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

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.

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 – details of which are set out in section 14 below.

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. Sufficient pavement width remains to comply with inclusive mobility.

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:

Material considerations

- Tourism/community benefits through the retention of sitting out area in Weymouth Town Centre.

Non material considerations

- License fee (paid to Dorset Council that manage the public highway on which the development is located).

14. Planning Assessment

Principle of development

14.1 Local Plan Policy SUS2 sets out that within defined development boundaries, employment and other development to meet the needs of the local area will normally be permitted. Given the application site is located within the Weymouth defined development boundary and proposes to retain development for the use of an existing business premises, the principle of development is accepted under Local Plan Policy SUS2.

14.2 Furthermore, given the proposal would serve an existing business premises, the mix of retail and other town centre uses in Weymouth Town Centre would be retained, it is considered the proposal would add to the vitality and vibrancy of the town centre. As such the proposal is considered to be in accordance with Local Plan Policy ECON4.

Scale, design, impact on character and appearance

14.3 The proposed development is not considered to overpower the original building, however, given the development spans the entire ground floor frontage of the building the scheme is

considered to significantly detract from and obscure the original building to the detriment of the buildings appearance.

- 14.4 The proposal seeks permission to retain the existing canopies and associated structures to the front (east) of the building. However, none of these structures relate to the historic Georgian character of the host listed building and The Esplanade setting.
- 14.5 The design outcome is a development that detracts from, erodes and fails to compliment or respect the Georgian architectural character of the site and surrounding area.
- 14.6 Given the above, the proposal is not in harmony with the adjoining listed buildings, the quality of the architecture, which is of a modern design appearance is not appropriate to the historic Georgian architecture of the original listed buildings. As such the proposed alterations and extensions are not well related to the original buildings or neighbouring historic properties and fail to achieve any significant visual enhancement to both the building and surrounding area and indeed are considered to be detrimental additions.
- 14.7 Therefore, the proposal is considered to be unacceptable in design terms, is out of keeping with the character of the site and the area, fails to positively preserve or enhance the unique characteristics of the area and as such fails to accord with Local Plan Policy ENV12, Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the NPPF (2025 as amended).

Impact on the living conditions of the occupants and neighbouring properties

- 14.8 The proposed development would allow for sitting out use associated with the host drinking establishment/restaurant and as such there is potential for the noise from patrons of the premises to impact on the amenity of occupiers of nearby dwellings.
- 14.9 However, there are no residential dwellings to the east of the site, which looks out over The Esplanade and Weymouth beach. The buildings to the north and south of the site are also drinking establishments. The application site is located in the town centre and in an area characterised by the associated nighttime economy. As such a degree of noise from premises is to be expected by residents of the adjacent holiday accommodation to the north of the site.
- 14.10 No other amenity impact issues have been identified and therefore, subject to a condition controlling the hours of use of the area, the proposal is considered acceptable in terms of amenity impact and to accord with Local Plan Policy ENV16.

Heritage impact

Heritage assets

York Buildings (Terrace) Grade II Listed Building List Entry: 1145950 (Application site no.52)

York Buildings (Terrace) Grade II Listed Building List Entry: 1145951 (Application site no.53)

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145952 Distance: 0m

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145953, Distance 10m

York Buildings (Terrace) With Area Railings Grade II Listed Building, List Entry: 1145954, Distance: 18m

Charlotte Row (Terrace) Grade II Listed Building, List Entry: 1145949, Distance: 0m

Weymouth Town Centre Conservation Area

Area of Archaeological Potential; Town Centre North of Harbour

Significance of heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)

- 14.11 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”*.

York Buildings (Terrace) no.52 and 53 (application site)

- 14.12 In summary the significance of no. 52 and 53 is considered to be in their architectural and historic value as examples of Georgian seaside architecture and elegant proportion and details to the frontage. Indeed, the list description of no.52 sets out that the building is a *“very handsome property, little altered externally on this principal front”*.
- 14.13 The buildings present a refined classical arrangement with sash windows, window surrounds, cornices and elevational details. The buildings are considered to be a key part of The Esplanade and contribute to the long stretch of seafront terraces with a mix of Georgian styles. The list description sets out that no. 52 features Flemish bond brickwork and classical quasi-Palladian window at first floor, with a central blind arch painted in, a frieze and flush head and sill bands. To the righthand side of no.52 are stone steps with nosing's, an early panelled door with 12-pane glazing, in a moulded architrave and with a frieze plus dentil cornice. The list description sets out no.53 had rendered walls and that on the ground floor is a symmetrical shop front with deep set-back central glazed door under a plastic blind and deep C20 fascia. There is an eaves cornice, and the right-hand party wall rises above the roof slope to a coping. The original frontage has been much modified and would have matched No.52 to the left.

York Buildings & Charlotte Row (within setting of application site)

- 14.14 The application site forms part of the group of listed buildings known as ‘York Buildings’ which the Conservation Area Appraisal describes as *“originally seven units, greatly altered, but with the central house displaying a wide bow window on columns and remnants of decorated three light windows on the first floor of several others”*.
- 14.15 As a group the buildings are considered to have significance in their contribution towards townscape which is characterised by the long vistas along the length of The Esplanade, with building blocks in sharp perspective and rounded termination points to several terrace rows, including York Terrace, creating focal points and key elements of townscape edge and enclosure. The inclusion of the railings outside no.56/57 York Terrace has particular importance regarding the setting of numbers 54, 55 and 56/57.

Area of Archaeological Potential

- 14.16 The Conservation Area Appraisal sets out that there may be archaeological evidence of earlier shorelines between the Georgian Esplanade edge and the East St/New St line.

Impact on heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area)(CA)

- 14.17 The character and appearance of the CA is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of non-traditional designed canopies and structures is incongruous with these defining characteristics of the CA. The CA Character Appraisal highlights the need to preserve the area's unique character and avoid alterations that could undermine its historic significance. Given the above it is considered that the proposed development would not be in keeping with the character of the CA and as such would negatively impact the conservation area's overall appearance, resulting in a significant level of less than substantial harm to the significance of the CA.

York Buildings (Terrace) no.52 and 53 (application site)

- 14.18 The proposal would result in the retention of the existing canopies, and structures which are considered to be of a modern, non-traditional design and appearance and given their scale and proportions span obscure the entire ground floor frontage of the designated heritage assets.
- 14.19 It is considered the development appears as visual clutter that is discordant in design to the heritage setting and adversely alters, disrupts and erodes the setting of the designated heritage assets. Moreover, the canopies and structures located to the front of the site, significantly obscure and disrupt views of the ground floor of the buildings. The front elevations of these buildings are considered to present historic architecture of notable merit, in particular no.52 and the canopies and structures disrupt and obscure views of the architecture diminishing the visual integrity of the listed building, thereby significantly diminishing its heritage significance.
- 14.20 It is considered that the retention of the existing canopies and structures that make up the development would be visual clutter, that would be discordant in design and harm the wider contribution made to the street scene and character and appearance of the conservation area.
- 14.21 The CA appraisal sets out in its conclusion that less clutter would be an enhancement of the CA and as such given the cluttered appearance of the proposed development, the scheme is not considered to conserve or enhance the significance of the heritage assets.
- 14.22 Given the proposed development would significantly and uncharacteristically alter the setting of the Grade II listed buildings the proposal is considered to harm the heritage significance of both the site and its setting.
- 14.23 It is observed that some neighbouring buildings have similar external areas. However, each application is determined on its own merits and for the reasons set out above, this scheme is not considered to conserve or enhance the heritage assets.
- 14.24 Given the above, the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings.

York Buildings & Charlotte Row (within setting of application site)

- 14.25 The canopies and structures proposed to be retained are positioned such that they directly and harmfully interrupt and obscure views of the adjacent listed buildings frontages. As such the proposal is considered to result in less than substantial harm to the setting of the adjacent listed buildings.

Area of Archaeological Potential

- 14.26 Given the development has been carried out and is within the highway it is considered the proposal would not harm any potential below ground archaeology.

Public benefits

- 14.27 The application site operates as a drinking establishment and restaurant which is considered to have public benefits in the form of providing jobs, contributing to the economy through purchasing goods and services, paying business rates and taxes. The site also provides a venue that contributes to Weymouth Town Centres varied entertainment offering. However, any public benefits arising from the outdoor seating could be achieved through removable and temporary measures under the pavement licensing regime and which could be considered to be less harmful.

Heritage impacts summary

- 14.28 For the reasons set out above the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings.

14.29 Paragraph 213 of the NPPF (2025 as amended) sets out the following:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

14.30 The Heritage Statement submitted in support of the application sets out that the proposals would not adversely impact the listed building or the CA and states that:

“The proposed canopies and timber structure will fit in with its surroundings through the consideration of its form and appearance due to other adjacent listing buildings having canopies as well, resulting in only a positive impact on the street scape and overall conservation area.”

14.31 It is considered that the application documentation has not identified the resulting harm to the designated heritage assets and indeed suggests that the proposal is in keeping with the character of the site and setting by virtue of the design and that adjacent buildings also have canopies. However, the canopies on the adjacent ‘The Nook Cocktail Club’ to the north of the application site do not currently have planning permission or listed building consent and planning and listed building applications no. P/FUL/2025/01316 and P/LBC/2025/01317 have been submitted by the same agent acting on behalf of the applicant for this application.

14.32 Given the above it is considered that clear and convincing justification has not been provided for the less than substantial harm to the designated heritage assets as a result of the proposed development.

14.33 Paragraph 215 of the NPPF (2025 as amended) sets out the following:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

14.34 The application site is considered to provide important public benefits, however, it is considered that these can only be partially attributed to the proposed development, which does not form part of the original premises and given the use of the outdoor seating, would be mostly limited to seasonal use. The public benefits arising from the outdoor seating could also be achieved in a less harmful way through removable and temporary measures under the pavement licensing regime. As such it is considered the public benefits of the proposed development would be slight and no convincing evidence has been submitted to suggest the scheme would secure the optimum viable use of the listed building.

14.35 Paragraph 212 of the NPPF (2025 as amended) sets out that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

14.36 Given the slight public benefits attributable to the proposed development weighed against the significant level of less than substantial harm to multiple designated heritage assets, it is considered that the level of heritage harm is not outweighed by the public benefits of the proposal.

14.37 It is therefore considered that the proposal would result in significant less than substantial harm to the heritage significance of the designated heritage assets, which is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with Local Plan Policy ENV4, Neighbourhood Plan Policy W45 and NPPF (2025 as amended) paragraphs 212, 213 and 215.

Flood risk

NPPF Sequential and Exception Test

14.38 NPPF (2025 as amended) paragraph 176 sets out *“Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test*

set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63”.

- 14.39 Given the proposed development is considered to be a minor development including a change of use from public highway to a sitting out area, the scheme is not considered to be subject to the sequential test, nor the exception test.

National Flood Risk Assessment (NaFRA) & Site-Specific Flood Risk Assessment (FRA)

- 14.40 The NaFRA published on 25 March 2025 shows the application site in Flood zone 1, where there is a low probability of flooding from rivers and the sea. However, the NaFRA shows the Flood zone risk would increase once allowance is made for climate change and Environment Agency (EA) standing advice is that in this instance the site should be treated as being within Flood zone 2. The application is supported by a FRA dated March 2025 and this sets out the site is within Flood zone 1 and at a low risk of flooding. The FRA also sets out mitigation measures to surface water run off that could be incorporated into the proposals. However, the FRA does not identify any surface water flood risk that would require mitigation measures.

Weymouth Level 2 Strategic Flood Risk Assessment (SFRA)

- 14.41 The SFRA shows that with an allowance for climate change the site would be at 1 in 200-year Tidal flood risk to a depth of 0.1 to 0.3m, with a <0.75 hazard rating and <0.1 metres per second velocity.
- 14.42 The SFRA shows that if beach promenade defences fail with an allowance for climate change, then the site would be at 1 in 200-year and 1 in 30-year flood risk to a depth of 0.1 to 0.3m, with a <0.75 hazard rating and <0.1 metres per second velocity.
- 14.43 The EA endorsed ADEPT guidance sets out that a flood hazard rating of 0.75 is considered ‘danger for some’ or greater. Given the SFRA hazard ratings for the application site are less than 0.75 and the potential limited depth of flood waters the pedestrian access and escape routes to and from the site appear acceptable.

Summary of flood risk

- 14.44 The Environment Agency have been consulted on the planning application and have raised no objection to the proposal.
- 14.45 The existing building is considered to be a drinking establishment which would fall within the ‘More Vulnerable’ flood risk vulnerability classification as set out in Annex 3 of the NPPF. However, the proposal is located outside of the building, considered to be at a low flood risk in terms of depth of flood waters and flood hazard rating and as such the scheme is considered to be acceptable in terms of flood risk and in accordance with Local Plan Policy ENV5.

Economic benefits

- 14.46 It is considered that the proposal would make a small contribution to the local economy through the continued employment of staff and the continued spending of the patrons of the Public House.

Highways impacts

- 14.47 The Highway Authority has responded to the proposed development and set out that no part of the proposal can be grounded or otherwise attached to the public highway. Based on observations during the case officer site visit, the canopies and timber structures are fixed which would restrict their movement to allow maintenance to the public highway. The Highway Authority has set out that they have no objection and advise that planning permission, if granted, does not authorise the working on or into the highway, they would be dealt with under the Highways Act 1980 outside of planning, either by permission/licence or enforcement.

- 14.48 It is considered that the development would have an acceptable impact on highway safety, not impeding pedestrian movements, with sufficient pavement space available to comply with inclusive mobility standards. Hence the development is considered to accord with Local Plan Policy COM7.

Environmental implications

- 14.49 The application site is entirely hardstanding and as such the development is below the de minimis threshold and exempt from Biodiversity Net Gain.
- 14.50 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application does not propose new residential accommodation and would therefore not create an additional residential unit that would increase recreational pressure. As such, it is considered there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulations.
- 14.51 No other potential wildlife or habitat impacts were identified with the proposal.

15. Conclusion

- 15.1 The development would be acceptable in principle and in terms of amenity impact, flood risk, economic benefits, highway safety and environmental impacts. However, the design of the development is not in keeping with the site or the area and as such fails to positively preserve or enhance the unique characteristics of the area and indeed is considered to have a detrimental visual impact on the site and The Esplanade area.
- 15.2 Furthermore, the application is considered to be unacceptable in heritage impact terms, given the uncharacteristic design to the site and the area, which is considered to result in significant less than substantial harm to the designated heritage assets, and the level of harm is not outweighed by public benefits and is without convincing justification.
- 15.3 Given the above the proposed development would fail to accord the relevant policies set out in this report of the West Dorset, Weymouth & Portland Local Plan 2015, the Weymouth Neighbourhood Plan 2021 – 2038 (20th October 2025 – Referendum Draft) and the National Planning Policy Framework (2025 as amended) and as such is recommended for refusal.

16. Recommendation

Refuse planning permission for the reasons set out below:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended).
2. The proposed development is out of keeping with the heritage character of the site and the wider area and Esplanade, fails to positively preserve or enhance the unique Georgian architectural characteristics of the area and as such fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV12, Weymouth Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the National Planning Policy Framework (2025 as amended).

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Application Number:	P/LBC/2025/02899
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Kika Beach Club 52-53 The Esplanade Weymouth DT4 8DG
Proposal:	Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises
Applicant name:	Mr & Mrs Record
Case Officer:	Robert Parr
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee:

In accordance with the Council's scheme of delegation this application is brought to committee for determination as the application site includes adopted highway which is vested in Dorset Council.

2. Summary of recommendation:

2.1 Refuse listed building consent for the following reason:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended) and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

3. Key planning issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area	Unacceptable

4. Description of site

- 4.1 The application site is located fronting onto The Esplanade in Weymouth Town Centre and is approximately 30m southeast of the highway junction with New Street. This is a secondary shopping frontage area of Weymouth's Esplanade which is predominantly characterised by the historic Georgian period seafront. The application site comprises of the two existing mid terrace Grade II listed buildings 'York Buildings (Terrace) no.52 and 53 The Esplanade and a section of the highway pavement. The section of highway pavement within the application site spans the entire front of the existing buildings and extends out to encompass approximately 4.7m of the pavement to the northeast, leaving a strip of pavement approximately 2.3m in width.
- 4.2 The existing buildings are in use as the Kika Beach Club drinking establishment/restaurant, and this use extends outside of the building with an outdoor seating area that covers the section of highway pavement within the application site. The outdoor seating area covers an

area of approximately 59m², is enclosed by timber clad and metal framed wall that ranges in height from approximately 2m to 1m, with circular shaped opening frame for pedestrian access to the premises located towards the front of no.53 The Esplanade. The outdoor seating area has a fixed polycarbonate canopy in the centre of the two buildings and flanking this are two fixed canopy structures with retractable canopies. The canopy frames are painted white in colour and fixed to the listed buildings. Within the enclosed seating area are arranged various timber seats, tables and planters.

- 4.3 The application site is located within the Weymouth defined development boundary (DDB) and the Weymouth Town centre Conservation Area. Some of the adjacent drinking establishments have similar external seating areas featuring a variety of enclosure designs and canopies.

5. Description of development

- 5.1 Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises. The canopies are physically attached to the listed building and as such require listed building consent.

6. Background and relevant planning history

- 6.1 Members attention is drawn to the live applications no. P/LBC/2025/01317 & P/FUL/2025/01316 in relation to the adjoining 54-55 The Esplanade (known as The Nook Cocktail Club) premises which propose to retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises.

- 6.2 The relevant planning history for the application site is set out below.

Application no.	Proposal	Decision	Decision Date
P/FUL/2025/02894	Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises	Under consideration	n/a

7. List of constraints

Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

York Buildings (Terrace) Grade II Listed Building List Entry: 1145950 (Application site)

York Buildings (Terrace) Grade II Listed Building List Entry: 1145951 (Application site)

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145952 Distance: 0m

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145953, Distance 10m

York Buildings (Terrace) With Area Railings Grade II Listed Building, List Entry: 1145954, Distance: 18m

Charlotte Row (Terrace) Grade II Listed Building, List Entry: 1145949, Distance: 0m

Weymouth Town Centre Conservation Area

8. Consultations

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

Consultees

1. Dorset Council Conservation Officer

It is concluded that the proposal due to its clutter, concealment of views of the listed buildings, would detrimentally impact the architectural significance of the listed buildings, the setting of neighbouring listed buildings and the special character and local distinctiveness of the Weymouth Town Centre Conservation Area.

The design and density of the proposal is considered overly dominant presenting a solid timber boundary and full covering of the area. The addition of this visual clutter, which is of a heavy and overbearing nature.

It is noted that the canopies are retractable however there appears to be permanent metal framing to support the canopies. The central roofed section is also of a permanent nature, and neither is of a design or material appropriate for a Listed building. Both appear to be fixed to the host buildings with the potential to harm historic fabric. The proposal presents an alien and incongruous solid feature at odds with these traditional buildings.

Furthermore, the proposal adds visual clutter and a dense design which creates harm to the wider contribution made to the street scene and the character and appearance of the Conservation Area. The character and appearance of the Weymouth Town Conservation Area is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of solid timber boundaries, canopies and roofed sections would be incongruous with these defining characteristics. The Weymouth Town Conservation Area Character Appraisal highlights the need to preserve the unique character of the area and avoid alterations that could undermine its historic significance. The proposal is considered to not align with these guidelines and would negatively impact the overall appearance of the Conservation Area.

2. Melcombe Regis Ward Member

No response received

3. Weymouth Town Council

The Council positively supports the application on the grounds of economic development.

Representations received

Weymouth Civic Society

We have concerns about these proposals, which would result in further additions to the barriers around the forecourts, effectively enclosing the space at the frontage, and affecting the setting of this historic Georgian terrace of buildings. We would ask that consideration is given to the particular context of these two properties, immediately adjacent to 51 The Esplanade (Harveys), and the effect on its setting. This is one of the most important of Weymouth's historic buildings, both as Harvey's Library in the Georgian era, and later as the prestigious premises of the Royal Dorset Yacht Club.

Total - objections	Total - No objections	Total - comments
0	0	1

9. Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - includes 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 when considering whether to grant listed building consent.

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

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.

Emerging neighbourhood plans

Weymouth Neighbourhood Plan - The Inspector's Examination Report was received on 23 September 2025. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. On the 23 October 2025 the Cabinet Member for Planning and Emergency Planning made the decision that the Weymouth Neighbourhood Plan 2021 to 2038, as modified, can proceed to referendum.

The Weymouth Neighbourhood Plan referendum was held on Thursday 11 December 2025 and the result was in favour of the Weymouth Neighbourhood Plan. The plan will now proceed to Cabinet on 27 January 2026 where a decision will be made on making the Weymouth Neighbourhood Plan part of the development plan for the Weymouth neighbourhood area.

Given the above the Weymouth Neighbourhood Plan can be given full weight in decision-making, so far as the plan is material to the application. The following emerging policies are considered to be relevant to this proposal:

- Policy W45: Heritage Assets

Other material considerations

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.

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:

Material considerations

- Tourism/community benefits through the retention of sitting out area in Weymouth Town Centre

Non material considerations

- License fee (paid to Dorset Council that manage the public highway on which the development is located on).
-

14. Heritage Assessment

Heritage impact

Heritage assets

York Buildings (Terrace) Grade II Listed Building List Entry: 1145950 (Application site no.52)

York Buildings (Terrace) Grade II Listed Building List Entry: 1145951 (Application site no.53)

York Buildings (Terrace) Grade II Listed Building List Entry: 1145952 Distance: 0m

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145953, Distance 10m

York Buildings (Terrace) With Area Railings Grade II Listed Building, List Entry: 1145954, Distance: 18m

Charlotte Row (Terrace) Grade II Listed Building, List Entry: 1145949, Distance: 0m

Weymouth Town Centre Conservation Area

Area of Archaeological Potential; Town Centre North of Harbour

Significance of heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)

- 14.1 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 have 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”*.

York Buildings (Terrace) no.52 and 53 (application site)

- 14.2 In summary the significance of no. 52 and 53 is considered to be in their architectural and historic value as examples of Georgian seaside architecture and elegant proportion and details to the frontage. Indeed, the list description of no.52 sets out that the building is a *“very handsome property, little altered externally on this principal front”*.
- 14.3 The buildings present a refined classical arrangement with sash windows, window surrounds, cornices and elevational details. The buildings are considered to be a key part of The Esplanade and contribute to the long stretch of seafront terraces with a mix of Georgian styles. The list description sets out that no. 52 features Flemish bond brickwork and classical quasi-Palladian window at first floor, with a central blind arch painted in, a frieze and flush head and sill bands. To the righthand side of no.52 are stone steps with nosing's, an early panelled door with 12-pane glazing, in a moulded architrave and with a frieze plus dentil cornice. The list description sets out no.53 had rendered walls and that on the ground floor is a symmetrical shop front with deep set-back central glazed door under a plastic blind and deep C20 fascia. There is an eaves cornice, and the right-hand party wall rises above the roof slope to a coping. The original frontage has been much modified and would have matched No.52 to the left.

York Buildings & Charlotte Row (within setting of application site)

- 14.4 The application site forms part of the group of listed buildings known as ‘York Buildings’ which the Conservation Area Appraisal describes as *“originally seven units, greatly altered, but with the central house displaying a wide bow window on columns and remnants of decorated three light windows on the first floor of several others”*.
- 14.5 As a group the buildings are considered to have significance in their contribution towards townscape here which is characterised by the long vistas along the length of The Esplanade, with building blocks in sharp perspective and rounded termination points to several terrace rows, including York Terrace, creating focal points and key elements of townscape edge and enclosure. The inclusion of the railings outside no.56/57 York Terrace has particular importance regarding the setting of numbers 54, 55 and 56/57.

Area of Archaeological Potential

- 14.6 The Conservation Area Appraisal sets out that there may be archaeological evidence of earlier shorelines between the Georgian Esplanade edge and the East St/New St line.

Impact on heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area)(CA)

14.7 The character and appearance of the CA is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of non-traditional designed canopies and structures would be incongruous with these defining characteristics of the CA. The CA Character Appraisal highlights the need to preserve the area's unique character and avoid alterations that could undermine its historic significance. Given the above it is considered that the proposed development would not be in keeping with the character of the CA and as such would negatively impact the conservation area's overall appearance, resulting in a significant level of less than substantial harm to the significance of the CA.

York Buildings (Terrace) no.52 and 53 (application site)

14.8 The proposal would result in the retention of the existing canopies, and structures which are considered to be of a modern, non-traditional design and appearance and given their scale and proportions span and obscure the entire first floor frontage of the designated heritage assets.

14.9 It is considered the development appears as visual clutter that is discordant in design to the heritage setting and adversely alters, disrupts and erodes the setting of the designated heritage assets. Moreover, the canopies and structures located to the front of the site, significantly obscure and disrupt views of the ground floor of the buildings. The front elevations of these buildings are considered to present historic architecture of notable merit, in particular no.52 and the canopies and structures disrupt and obscure views of the architecture diminishing the visual integrity of the listed building, thereby significantly diminishing their heritage significance.

14.10 It is considered that the retention of the existing canopies and structures that make up the development would be visual clutter, that would be discordant in design and harm the wider contribution made to the street scene and character and appearance of the conservation area.

14.11 The CA appraisal sets out in its conclusion that less clutter would be an enhancement of the CA and as such given the cluttered appearance of the proposed development, the scheme is not considered to conserve or enhance the significance of the heritage assets.

14.12 Given the proposed development would significantly and uncharacteristically alter the setting of the Grade II listed buildings the proposal is considered to harm the heritage significance of both the site and its setting.

14.13 It is observed that some neighbouring buildings have similar external areas. However, each application is determined on its own merits and for the reasons set out above, this scheme is not considered to conserve or enhance the heritage assets.

14.14 Given the above, the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings.

York Buildings & Charlotte Row (within setting of application site)

14.15 The canopies and structures proposed to be retained are positioned such that they directly and harmfully interrupt and obscure views of the adjacent listed buildings frontages. As such the proposal is considered to result in less than substantial harm to the setting of the adjacent listed buildings.

Public benefits

14.16 The application site operates as a drinking establishment and restaurant which is considered to have public benefits in the form of providing jobs, contributing to the economy through purchasing goods and services, paying business rates and taxes. The site also provides a venue that contributes to Weymouth Town Centres rich and varied hospitality offering.

Heritage impacts summary

- 14.17 For the reasons set out above the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings set out in this report.
- 14.18 Paragraph 213 of the NPPF (2025 as amended) sets out the following:
- “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*
- 14.19 The Heritage Statement submitted in support of the application sets out that the proposals would not adversely impact the listed building or the CA and states that:
- “The proposed canopies and timber structure will fit in with its surroundings through the consideration of its form and appearance due to other adjacent listing buildings having canopies as well, resulting in only a positive impact on the street scape and overall conservation area.”*
- 14.20 It is therefore considered that the application has not identified the harm to the designated heritage assets and indeed suggests that the proposal is in keeping with the character of the site and setting by virtue of the design and that adjacent buildings also have canopies. However, the canopies on the adjacent ‘The Nook Cocktail Club’ to the north of the application site do not currently have planning permission or listed building consent and planning and listed building applications no. P/FUL/2025/01316 and P/LBC/2025/01317 have been submitted by the same agent acting on behalf of the applicant for this application.
- 14.21 Given the above it is considered that clear and convincing justification has not been provided for the less than substantial harm to the designated heritage assets as a result of the proposed development.
- 14.22 Paragraph 215 of the NPPF (2025 as amended) sets out the following:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*
- 14.23 The application site is considered to provide important public benefits, however, it is considered that these can only be partially attributed to the proposed development, which does not form part of the original premises and given the outdoor setting, would be mostly limited to seasonal use. As such it is considered the public benefits of the proposed development would be slight and no convincing evidence has been submitted to suggest the scheme would secure the optimum viable use of the listed building. Furthermore the public benefits arising from the outdoor seating could also be achieved in a less harmful way through removable and temporary measures under the pavement licensing regime.
- 14.24 Paragraph 212 of the NPPF (2025 as amended) sets out that:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.*
- 14.25 Given the slight public benefits attributable to the proposed development weighed against the significant level of less than substantial harm to multiple designated heritage assets, it is considered that the level of heritage harm is not outweighed by the public benefits of the proposal.
- 14.26 It is therefore considered that the proposal would result in significant less than substantial harm to the heritage significance of the designated heritage assets, which is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with Local Plan Policy ENV4, Neighbourhood Plan Policy W45 and NPPF (2025 as amended) paragraphs 212, 213 and 215 and the Local Planning Authority duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

15. Conclusion

- 15.1 The application is considered to be unacceptable in heritage impact terms, given the uncharacteristic design to the site and the area, which is considered to result in significant less than substantial harm to the designated heritage assets, and the level of harm is not outweighed by public benefits and is without convincing justification.
- 15.2 Given the above the proposed development fails to accord the relevant policies set out in this report of the West Dorset, Weymouth & Portland Local Plan 2015, the draft Weymouth Neighbourhood Plan 2021 – 2038 (20th October 2025 – Referendum Draft) and the National Planning Policy Framework (2025 as amended).
- 15.3 Furthermore, the proposal fails to preserve the special architectural and historic interest of the listed buildings and their setting and as such does not accord with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15.4 Given the above, the application is recommended for refusal.

16. Recommendation

- 16.1 Refuse listed building consent for the reason set out below:
 - 1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended) and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

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Application Number:	P/FUL/2025/01316
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	54-55 The Esplanade Weymouth DT4 8DG
Proposal:	Retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises
Applicant name:	Mr & Mrs Burton
Case Officer:	Robert Parr
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee:

In accordance with the Council's scheme of delegation this application is brought to committee for determination as the application site includes Dorset Council owned land and adopted highway which is vested in Dorset Council.

2. Summary of recommendation:

2.1 Refuse permission for the reasons set out below:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended).
2. The proposed development is out of keeping with the heritage character of the site and the wider area and Esplanade, fails to positively preserve or enhance the unique Georgian architectural characteristics of the area and as such fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV12, Weymouth Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the National Planning Policy Framework (2025 as amended).

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Unacceptable
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Heritage impact	Unacceptable

Issue	Conclusion
Flood risk	Acceptable
Economic benefits	Acceptable
Highway impacts	Acceptable
Environmental Implications	Acceptable

4. Description of site

- 4.1 The application site is located fronting onto The Esplanade in Weymouth Town Centre and is approximately 20m southeast of the highway junction with New Street. This is a secondary shopping frontage area of Weymouth's Esplanade which is predominantly characterised by the historic Georgian period seafront. The application site comprises of the two existing mid terrace Grade II listed buildings 'York Buildings (Terrace) no.54 and 55 The Esplanade and a section of the highway pavement. The section of highway pavement within the application site spans the entire front of the existing buildings and extends out to encompass approximately 3m of the pavement to the northeast, leaving a strip of pavement approximately 2.3m in width.
- 4.2 The existing buildings are in use as The Nook Cocktail Club drinking establishment, and this use extends outside of the building with an outdoor seating area that covers the section of highway pavement within the application site. The outdoor seating area covers an area of approximately 40m², is enclosed by waist high metal barrier/fence finished in a rusted effect, with a central opening for pedestrian access to the premises. A doorway on the north side of building is described in the design and access statement as being used as a fire escape only. The outdoor seating area has two canopy structures, painted dark grey/black colour, with the larger canopy on the south side having a mono pitched retractable textile cover and a fixed slim metal frame. The canopy on the north side of the site has a smaller footprint, and a substantial box section metal frame and a flat roof. The existing barriers and canopies are all fixed to the ground and the listed buildings. Within the fenced seating area are arranged various timber and metal seating and tables.
- 4.3 The application site is located within the Weymouth defined development boundary (DDB) and the Weymouth Town centre Conservation Area. Some of the adjacent drinking establishments have similar external seating areas featuring a variety of enclosure designs and canopies.

5. Description of development

- 5.1 Retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises.

6. Background and relevant planning history

- 6.1 Members attention is drawn to the live applications no. P/LBC/2025/02899 & P/FUL/2025/02894 in relation to the adjoining Kika Beach Club premises which propose to *"Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises"*.
- 6.2 The relevant planning history for the application site is set out below.

Application no.	Proposal	Decision	Decision Date
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P/LBC/2025/01317	Retain canopies and associated works to frontage of The Nook Cocktail Club	Under consideration	
P/CONS/2022/00251	Consultation for sitting out licence	No Objection	31/10/2022
08/00759/FUL	Alterations to include replacement of door with window, replacement windows and door, awning, balustrade and handrails	Granted	06/02/2009
08/00760/LBC	Internal and external alterations to include replacement of door with window, replacement windows and door, awning, balustrade, handrails and externally illuminated fascia sign	Granted	06/02/2009

7. List of constraints

Weymouth Defined Development Boundary

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145952

York Buildings (Terrace) Grade II Listed Building, List Entry: 1145953

Charlotte Row (Terrace) Grade II Listed Building, List Entry: 1145949, Distance: 19m

York Buildings (Terrace) Grade II Listed Building List Entry: 1145950, - Distance: 9m

York Buildings (Terrace) Grade II Listed Building List Entry: 1145951, - Distance: 3m

York Buildings (Terrace) With Area Railings Grade II Listed Building, List Entry: 1145954, Distance: 5m

Weymouth Town Centre Conservation Area

Area of Archaeological Potential; Town Centre North of Harbour

Weymouth Level 2 Strategic Flood Risk Assessment

Weymouth Town Centre Strategy

Wessex Water Treatment Works Catchment

Dorset Council Land Freehold: 54-55A The Esplanade

Natural England RAMSAR: Chesil Beach & the Fleet - Distance: 3km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet - Distance: 3km

Portland heliport consultation zone (within 13km) - Distance: 4.6km

Radon: Class 1: Less than 1%

Office for Nuclear Regulation Portland 12km zone

8. Consultations

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

Consultees

1. Environment Agency (EA)

The EA considers the application to fall outside of their remit and have stated that they will not be providing any comments on the proposal.

2. Dorset Council Conservation Officer

It is concluded that the proposal due to its clutter, visual impact and poor design would affect the architectural significance of the listed building.

The proposal impacts harmfully the setting of these listed buildings and the Grade II listed York Buildings (Terrace) with area railings and the Weymouth Town Conservation Area.

Considering the cumulative impact, poor design and visual impacts upon these multiple heritage assets there is an objection to this application. The level of information and justification submitted for the application lacks the context, heritage and design analysis required for a development proposal within this sensitive heritage context.

Negative impacts on the listed buildings and the setting of these historic assets, the introduction of discordant visual clutter, and the detrimental effect on the character and appearance of the Weymouth Conservation Area outweigh any potential benefits.

3. Dorset Council - Environmental Services - Food, Safety & Port Health

No comments with respect to this application.

4. Dorset Council - Environmental Services - Protection

No response received

5. Dorset Council - Asset & Property

No response received

6. Dorset Council - Highways

Response dated: 20 June 2025

- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

Response dated 25 July 2025

- The areas proposed maintain the minimum desirable 2m distance prescribed in Inclusive Mobility to enable pedestrians to safely pass the proposed seating area.
- This distance includes the existing bollards but would allow pedestrians to establish priority/give way with each other should pedestrian numbers require this.
- The 2m distance would enable safe and suitable access by persons using pushchairs, wheelchairs, and other walking aids to pass oncoming pedestrians, and is considered suitable for the level of pedestrian use in the location.
- The seating area will be enclosed at all times that the chairs and tables are located on the highway.
- The proposal also includes a canopy over the proposed seating area, the canopy and supports are retractable, and no part of the canopy is proposed as grounded into the block paving.
- The applicant will need to contact Dorset Highways via the Informative Note to obtain any necessary permissions or consents such as a sitting out licence (for table and chairs etc) and an oversailing license (for the canopy)
- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

Response dated 17 November 2025

- No part of the proposal can be grounded or otherwise attached to the public highway.
- The fencing must be removable to enable maintenance of the highway and the utility services that run underneath the highway.
- Subject to maintaining a suitable footway width to accommodate pedestrians there is no objection to unattached barriers being located on the highway, subject to a Chairs and Tables License.

7. Melcombe Regis Ward Member

No response received

8. Weymouth Town Council

The Council supports this application and raises no objection

Representations received

Weymouth Civic Society

In addition to our own comments in response to the listed building application for these two properties, we support and endorse the comments of the Conservation Officer in his response in April.

Total - objections	Total - No objections	Total - comments
1	0	0

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
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- 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
- COM7: Creating a safe & efficient transport network
- ECON4: Retail and town centre development
- WEY1: Weymouth town centre strategy
- WEY5: The Esplanade

Made Neighbourhood Plans

None

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.

Emerging neighbourhood plans

Weymouth Neighbourhood Plan - The Inspector's Examination Report was received on 23 September 2025. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. On the 23 October 2025 the Cabinet Member for Planning and Emergency Planning made the decision that the Weymouth Neighbourhood Plan 2021 to 2038, as modified, can proceed to referendum. Where the local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application. The following emerging policies are considered to be relevant to this proposal:

- Policy W02: Conservation of the Natural Environment
- Policy W12: Riversides
- Policy W13: Panoramas, Vistas and Views
- Policy W14: Development Boundaries
- Policy W15: Extensions and Alterations
- Policy W34: Sustainable Development
- Policy W39: Weymouth Town Centre

- Policy W44: Design
- Policy W45: Heritage Assets
- Policy W46: Transport and Travel
- Policy W55: Public Spaces

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 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 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

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.

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

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. Sufficient pavement width remains to comply with inclusive mobility.

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:

Material considerations

- Tourism/community benefits through the retention of sitting out area in Weymouth Town Centre

Non material considerations

- Premises lease.
- License fee (paid to Dorset Council that manage the public highway on which the development is located on).
-

14. Planning Assessment

Principle of development

- 14.1 Local Plan Policy SUS2 sets out that within defined development boundaries, employment and other development to meet the needs of the local area will normally be permitted. Given the application site is located within the Weymouth defined development boundary and proposes to retain development for the use of an existing business premises, the principle of development is accepted under Local Plan Policy SUS2.

- 14.2 Furthermore, given the proposal would serve an existing business premises, the mix of retail and other town centre uses in Weymouth Town Centre would be retained, it is considered the proposal would add to the vitality and vibrancy of the town centre. As such the proposal is considered to be in accordance with Local Plan Policy ECON4.

Scale, design, impact on character and appearance

- 14.3 The proposed development is not considered to overpower the original building, however, given the development spans almost the entire ground floor frontage of the building the scheme is considered to significantly detract from and obscure the original building to the detriment of the building's appearance.
- 14.4 The proposal seeks permission to retain the flat roof structure and canopy, mono pitch structure and roof canopy, which are made of different sized frame materials. The canopy structures are dark grey/black finish, the barriers/fence are finished in a rust effect, the timber seating is stained in a light brown colour, the metal seating appears to be red/orange and brown, and the metal/timber tables appear to be dark brown.
- 14.5 Given the above the scheme is considered to lack coherence in design and presents a jumble of different materials, colours, shapes and forms, none of which relate to the historic Georgian character and classical influences of the host listed building and The Esplanade setting.
- 14.6 Furthermore, poorly designed and finished link structures have been added and attached between the canopy structure at the north of the site and the adjoining listed building.
- 14.7 The design outcome is a development that detracts from, erodes and fails to compliment or respect the Georgian architectural character of the surrounding area.
- 14.8 Given the above the proposal is not in harmony with the adjoining buildings and the quality of the architecture, which is of a modern design appearance is not appropriate to the historic Georgian architecture of the original listed buildings. As such the proposed alterations and extensions are not well related to the original buildings or neighbouring historic properties and fail to achieve any significant visual enhancement to both the building and surrounding area and indeed are considered to be detrimental additions.
- 14.9 Therefore, the proposal is considered to be unacceptable in design terms, is out of keeping with the character of the site and the area, fails to positively preserve or enhance the unique characteristics of the area and as such fails to accord with Local Plan Policy ENV12, Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the NPPF (2025 as amended).

Impact on the living conditions of the occupants and neighbouring properties

- 14.10 The proposed development would allow for sitting out use associated with the host drinking establishment and as such there is potential for the noise from patrons of the premises to impact on the amenity of occupiers of nearby dwellings.
- 14.11 However, there are no residential dwellings to the east of the site, which looks out over The Esplanade and Weymouth beach. The building to the north of the site and the accommodation above the premises are used as holiday accommodation and the building to the south is another drinking establishment. The application site is located in the town centre and in an area characterised by the associated nighttime economy. As such a degree of noise from premises is to be expected by residents of the adjacent holiday accommodation.
- 14.12 No other amenity impact issues have been identified and therefore, subject to a condition controlling the hours of use of the area, the proposal is considered acceptable in terms of amenity impact and to accord with Local Plan Policy ENV16.

Heritage impact

Heritage assets

- Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)

- York Buildings (Terrace) no.54, Grade II Listed Building, List Entry: 1145952 (application site)
- York Buildings (Terrace) no.55, Grade II Listed Building, List Entry: 1145953 (application site)
- York Buildings (Terrace) no.52, Grade II Listed Building, List Entry: 1145950, Distance: 9m
- York Buildings (Terrace) no.53, Grade II Listed Building, List Entry: 1145951, Distance: 3m
- York Buildings (Terrace) no.56 & 57 With Area Railings, Grade II Listed Building, List Entry: 1145954, Distance: 5m
- Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

Significance of heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)

14.13 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 have 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”*.

York Buildings (Terrace) no.54 and 55 (application site)

14.14 In summary the significance of no. 54 and 55 is considered to be in their architectural and historic value as examples of Georgian seaside architecture and elegant proportion and details to the frontage. The buildings present a refined classical arrangement with sash windows, window surrounds, cornices and elevational details. The buildings are considered to be a key part of The Esplanade and contribute to the long stretch of seafront terraces with a mix of Georgian styles. No. 55 features bow-fronted bay windows, pillared porticos, and neoclassical details. The wide bay to the central part of the Terrace (number 55) and decorated 3-light window (number 54) provide a key focal point for these buildings and is noted within the Conservation Area Appraisal for townscape, architectural and heritage value.

York Buildings & Charlotte Row (within setting of application site)

14.15 The application site forms part of the group of listed buildings known as ‘York Buildings’ which the Conservation Area Appraisal describes as *“originally seven units, greatly altered, but with the central house displaying a wide bow window on columns and remnants of decorated three light windows on the first floor of several others”*.

14.16 As a group the buildings are considered to have significance in their contribution towards townscape here which is characterised by the long vistas along the length of The Esplanade, with building blocks in sharp perspective and rounded termination points to several terrace rows, including York Terrace, creating focal points and key elements of townscape edge and enclosure. The inclusion of the railings outside no.56/57 York Terrace has particular importance regarding the setting of numbers 54, 55 and 56/57.

Area of Archaeological Potential

14.17 The Conservation Area Appraisal sets out that there may be archaeological evidence of earlier shorelines between the Georgian Esplanade edge and the East St/New St line.

Impact on heritage assets

Weymouth Town Centre Conservation Area (The Esplanade sub area)(CA)

14.18 The character and appearance of the CA is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of non-traditional designed

metal barriers/fencing and canopy structures would be incongruous with these defining characteristics of the CA. The CA Character Appraisal highlights the need to preserve the area's unique character and avoid alterations that could undermine its historic significance. Given the above it is considered that the proposed development would not be in keeping with the character of the CA and as such would negatively impact the conservation area's overall appearance, resulting in a significant level of less than substantial harm to the significance of the CA.

York Buildings (Terrace) no.54 and 55 (application site)

- 14.19 The proposal would result in the retention of the existing canopies, barriers/fencing and seating which are considered to be of a modern, non-traditional design and appearance and given their scale and proportions span almost the entire ground floor frontage of the designated heritage assets.
- 14.20 It is considered the development appears as visual clutter that is discordant in design to the heritage setting and adversely alters, disrupts and erodes the setting of the designated heritage assets. Moreover, the metal canopy arrangement and barrier/fence located to the front of no. 55, visually cuts across and disrupts views of the bow fronted pillared bay window. The pillared bay window which features neoclassic details is a significant feature within the terrace and the canopy disrupts the architectural and historic context and visual integrity of the listed building, thereby diminishing its heritage significance.
- 14.21 The awning attached to no. 54 spans across the entire front of the listed building and its permanent metal frame extends a generous distance beyond the building so that when the canopy is deployed the structure would interrupt views of the lower section of the listed building.
- 14.22 It is considered that the retention of the existing canopies, barriers/fence and other elements of the development would be visual clutter, that would be discordant in design and harm the wider contribution made to the street scene and character and appearance of the conservation area.
- 14.23 The CA appraisal sets out in its conclusion that less clutter would be an enhancement of the CA and as such given the cluttered appearance of the proposed development, the scheme is not considered to conserve or enhance the significance of the heritage assets.
- 14.24 Given the proposed development would significantly and uncharacteristically alter the setting of the Grade II listed buildings the proposal is considered to harm the heritage significance of both the site and its setting.
- 14.25 It is observed that some neighbouring buildings have similar external areas. However, each application is determined on its own merits and for the reasons set out above, this scheme is not considered to conserve or enhance the heritage assets.
- 14.26 Given the above, the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings.

York Buildings & Charlotte Row (within setting of application site)

- 14.27 The proposed development is located adjacent to the historic 'spearhead railings' area to no. 56 which is specifically noted in the list description and enclose the basement area of the listed building. The barriers/fencing and canopies proposed to be retained are positioned such that they directly and harmfully interrupt and obscure views of the adjacent listed buildings frontages and the historic spearhead railings. As such the proposal is considered to result in less than substantial harm to the setting of the adjacent listed buildings.

Area of Archaeological Potential

- 14.28 Given the development has been carried out and any groundwork appears to be at a shallow depth in previously developed pavement, it is considered the proposal would not harm the sites archaeological significance.

Public benefits

- 14.29 The application site operates as a drinking establishment and is considered to have public benefits in the form of providing jobs, contributing to the economy through purchasing goods and services, hiring entertainers, paying business rates and taxes. The site also provides a venue that contributes to Weymouth Town Centres varied entertainment offering.
- 14.30 The applicant has set out that the canopies and outdoor seating area provide an important resource for their business and that their removal would have an adverse effect on the business, although no substantive evidence has been submitted to support this. It is also noted that the drinking establishment was in operation for many years prior to the proposed development being in place and based on case officer observations there appear to be numerous other drinking establishments in Weymouth Town Centre that continue to operate without the need for similar scaled and permanent structures that are the subject of this application.
- 14.31 Any public benefits arising from the outdoor seating could be achieved through removable and temporary measures under the pavement licensing regime and which could be considered to be less harmful.

Heritage impacts summary

- 14.32 For the reasons set out above the proposed development is considered to result in a significant level of less than substantial harm to the listed building within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings set out in this report.
- 14.33 Paragraph 213 of the NPPF (2025 as amended) sets out the following:
“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.
- 14.34 The Heritage Statement submitted in support of the application sets out that the proposals would not adversely impact the listed building or the CA and states that:
“The proposed canopies will fit in with its surroundings through the consideration of its form and appearance due to other adjacent listing buildings having canopies as well, resulting in only a positive impact on the street scape and overall conservation area”.
- 14.35 It is therefore considered that the application has not identified the harm to the designated heritage assets and indeed suggests that the proposal is in keeping with the character of the site and setting by virtue of the design and that adjacent buildings also have canopies. However, the canopies on the adjacent ‘Kika Beach Club’ to the south of the application site do not currently have planning permission or listed building consent and planning and listed building applications no. P/FUL/2025/01316 and P/LBC/2025/02899 have been submitted by the same agent acting on behalf of the applicant for this application.
- 14.36 Given the above it is considered that clear and convincing justification has not been provided for the less than substantial harm to the designated heritage assets as a result of the proposed development.
- 14.37 Paragraph 215 of the NPPF (2025 as amended) sets out the following:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 14.38 The application site is considered to provide important public benefits, however, it is considered that these can only be partially attributed to the proposed development, which does not form part of the original premises and given the outdoor setting, would be mostly limited to seasonal use. The public benefits arising from the outdoor seating could also be achieved in a less harmful way through removable and temporary measures under the

pavement licensing regime. As such it is considered the public benefits of the proposed development would be slight and no convincing evidence has been submitted to suggest the scheme would secure the optimum viable use of the listed building.

14.39 Paragraph 212 of the NPPF (2025 as amended) sets out that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

14.40 Given the slight public benefits attributable to the proposed development weighed against the significant level of less than substantial harm to multiple designated heritage assets, it is considered that the level of heritage harm is not outweighed by the public benefits of the proposal.

14.41 It is therefore considered that the proposal would result in significant less than substantial harm to the heritage significance of the designated heritage assets, which is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with Local Plan Policy ENV4, Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215.

Flood risk

NPPF Sequential and Exception Test

14.42 NPPF (2025 as amended) paragraph 176. Sets out *“Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63”.*

14.43 Given the proposed development is considered to be a minor development including a change of use from public highway to a sitting out area, the scheme is not considered to be subject to the sequential test, nor the exception test.

National Flood Risk Assessment (NaFRA) & Site-Specific Flood Risk Assessment (FRA)

14.44 The NaFRA published on 25 March 2025 shows the application site in Flood zone 1, where there is a low probability of flooding from rivers and the sea. However, the NaFRA shows the Flood zone risk would increase once allowance is made for climate change and Environment Agency (EA) standing advice is that in this instance the site should be treated as being within Flood zone 2. The application is supported by an FRA dated March 2025 and this sets out the site is within Flood zone 1 and at a low risk of flooding. The FRA also sets out mitigation measures to surface water run off that could be incorporated into the proposals. However, the FRA does not identify any surface water flood risk that would require mitigation measures.

Weymouth Level 2 Strategic Flood Risk Assessment (SFRA)

14.45 The SFRA shows that with an allowance for climate change the site would be at 1 in 200-year Tidal flood risk to a depth of 0.1 to 0.3m, with a <0.75 hazard rating and <0.1 metres per second velocity.

14.46 The SFRA shows that if beach promenade defences fail with an allowance for climate change, then the site would be at 1 in 200-year and 1 in 30-year flood risk to a depth of 0.1 to 0.3m, with a <0.75 hazard rating and <0.1 metres per second velocity.

14.47 The EA endorsed ADEPT guidance sets out that a flood hazard rating of 0.75 is considered ‘danger for some’ or greater. Given the SFRA hazard ratings for the application site are less than 0.75 and the potential limited depth of flood waters the pedestrian access and escape routes appear acceptable.

Summary of flood risk

14.48 The Environment Agency have been consulted on the planning application and have raised no objection to the proposal.

- 14.49 The existing building is considered to be a drinking establishment which would fall within the 'More Vulnerable' flood risk vulnerability classification as set out in Annex 3 of the NPPF. However, the proposal is located outside of the building, to be at a low flood risk in terms of depth of flood waters and flood hazard rating and as such the scheme is considered to be acceptable in terms of flood risk and in accordance with Local Plan Policy ENV5.

Economic benefits

- 14.50 It is considered that the proposal would make a small contribution to the local economy through the continued employment of staff and the continued spending of the patrons of the Public House.

Highways impacts

- 14.51 The Highway Authority has responded to the proposed development and set out that no part of the proposal can be grounded or otherwise attached to the public highway. Based on observations during the case officer site visit, the canopies and timber structures are fixed which would restrict their movement to allow maintenance to the public highway. The Highway Authority has set out that they have no objection and advise that planning permission, if granted, does not authorise the working on or into the highway, they would be dealt with under the Highways Act 1980 outside of planning, either by permission/licence or enforcement.
- 14.52 It is considered that the development would have an acceptable impact on highway safety, not impeding pedestrian movements, with sufficient pavement space available to comply with inclusive mobility standards. Hence the development is considered to accord with Local Plan Policy COM7.

Environmental implications

- 14.53 The application site is entirely hardstanding and as such the development is below the de minimis threshold and exempt from Biodiversity Net Gain.
- 14.54 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application does not propose new residential accommodation and would therefore not create an additional residential unit that would increase recreational pressure. As such, it is considered there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulation.
- 14.55 No other potential wildlife or habitat impacts were identified with the proposal.

15. Conclusion

- 15.1 It has been concluded that the development would be acceptable in principle and in terms of amenity impact, flood risk, highway safety, economic benefits and environmental impacts.
- 15.2 However, the design of the development is not in keeping with the site or the area and as such fails to positively preserve or enhance the unique characteristics of the area and indeed is considered to have a detrimental visual impact on the site and The Esplanade area.
- 15.3 Furthermore, the application is considered to be unacceptable in heritage impact terms, given the uncharacteristic design to the site and the area, which is considered to result in significant less than substantial harm to the designated heritage assets, and the level of harm is not outweighed by public benefits and is without convincing justification.

- 15.4 Given the above the proposed development would fail to accord the relevant policies set out in this report of the West Dorset, Weymouth & Portland Local Plan 2015, the draft Weymouth Neighbourhood Plan 2021 – 2038 (20th October 2025 – Referendum Draft) and the National Planning Policy Framework (2025 as amended) and as such is recommended for refusal.

16. Recommendation

- 16.1 Refuse planning permission for the reasons set out below:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings. The harm to these designated heritage assets is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the National Planning Policy Framework (2025 as amended).
2. The proposed development is out of keeping with the heritage character of the site and the wider area and Esplanade, fails to positively preserve or enhance the unique Georgian architectural characteristics of the area and as such fails to accord with West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV12, Weymouth Neighbourhood Plan Policies W15, W44 and W55 and paragraphs 131, 135 and 139 of the National Planning Policy Framework (2025 as amended).

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Application Number:	P/LBC/2025/01317
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	54-55 The Esplanade Weymouth DT4 8DG
Proposal:	Retain canopies and associated works to frontage of The Nook Cocktail Club
Applicant name:	Mr & Mrs Burton
Case Officer:	Robert Parr
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee:

In accordance with the Council's scheme of delegation this application is brought to committee for determination as the application site includes Dorset Council owned land and adopted highway which is vested in Dorset Council.

2. Summary of recommendation:

Refuse listed building consent.

3. Key heritage issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area	Unacceptable

4. Description of site

- 4.1 The application site is located fronting onto The Esplanade in Weymouth Town Centre and is approximately 20m southeast of the highway junction with New Street. This is a secondary shopping frontage area of Weymouth's Esplanade which is predominantly characterised by the historic Georgian period seafront. The application site comprises of the two existing mid terrace Grade II listed buildings 'York Buildings (Terrace) no.54 and 55 The Esplanade and a section of the highway pavement. The section of highway pavement within the application site spans the entire front of the existing buildings and extends out to encompass approximately 3m of the pavement to the northeast, leaving a strip of pavement approximately 2.3m in width.
- 4.2 The existing buildings are in use as The Nook Cocktail Club drinking establishment, and this use extends outside of the building with an outdoor seating area that covers the section of highway pavement within the application site. The outdoor seating area covers an area of approximately 40m², is enclosed by waist high metal barrier/fence finished in a rusted effect, with a central opening for pedestrian access to the premises. A doorway on the north side of building is described in the design and access statement as being used as a fire escape only. The outdoor seating area has two canopy structures, painted dark grey/black colour, with the larger canopy on the south side having a mono pitched retractable textile cover and a fixed slim metal frame. The canopy on the north side of the site has a smaller footprint, and a substantial box section metal frame and a flat roof. The existing barriers and canopies are all fixed to the ground and the listed buildings. Within the fenced seating area are arranged various timber and metal seating and tables.

- 4.3 The application site is located within the Weymouth Town Centre Conservation Area. Some of the adjacent drinking establishments have similar external seating areas featuring a variety of enclosure designs and canopies.

5. Description of development

5.1 Retain canopies and associated works to frontage of The Nook Cocktail Club. The canopies and associated works in the form of the metal balustrade are physically attached to the listed building and as such require listed building consent.

6. Background and relevant planning history

6.1 Members attention is drawn to the live applications no. P/LBC/2025/02899 & P/FUL/2025/02894 in relation to the adjoining Kika Beach Club premises which propose to *“Retain canopies and associated works to frontage of Kika Beach Club for use within the business premises”*.

6.2 The relevant planning history for the application site is set out below.

Application no.	Proposal	Decision	Decision Date
P/FUL/2025/01316	Retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises	Under consideration	n/a
P/CONS/2022/00251	Consultation for sitting out licence	No Objection	31/10/2022
08/00759/FUL	Alterations to include replacement of door with window, replacement windows and door, awning, balustrade and handrails	Granted	06/02/2009
08/00760/LBC	Internal and external alterations to include replacement of door with window, replacement windows and door, awning, balustrade, handrails and externally illuminated fascia sign	Granted	06/02/2009

7. List of constraints

Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

- Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)
- York Buildings (Terrace) no.54, Grade II Listed Building, List Entry: 1145952 (application site)
- York Buildings (Terrace) no.55, Grade II Listed Building, List Entry: 1145953 (application site)
- York Buildings (Terrace) no.52, Grade II Listed Building, List Entry: 1145950, Distance: 9m
- York Buildings (Terrace) no.53, Grade II Listed Building, List Entry: 1145951, Distance: 3m
- York Buildings (Terrace) no.56 & 57 With Area Railings, Grade II Listed Building, List Entry: 1145954, Distance: 5m
- Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

8. Consultations

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

Consultees

1. Dorset Council Conservation Officer

It is concluded that the proposal due to its clutter, visual impact and poor design would affect the architectural significance of the listed building.

The proposal impacts harmfully the setting of these listed buildings and the Grade II listed York Buildings (Terrace) with area railings and the Weymouth Town Conservation Area.

Considering the cumulative impact, poor design and visual impacts upon these multiple heritage assets there is an objection to this application. The level of information and justification submitted for the application lacks the context, heritage and design analysis required for a development proposal within this sensitive heritage context.

Negative impacts on the listed buildings and the setting of these historic assets, the introduction of discordant visual clutter, and the detrimental effect on the character and appearance of the Weymouth Conservation Area outweigh any potential benefits.

2. Melcombe Regis Ward Member

Keeping the same footprint as the current sitting out area is fine. Neighbouring cafes to the south need to come back a bit to keep in line with the Nook and Kika. No A boards outside the property allowed as pavement is narrowed.

3. Weymouth Town Council

The Council supports this application and raises no objection

Representations received

Weymouth Civic Society

These two canopies are examples of the various disparate coverings which have proliferated on the Esplanade, to the detriment of the settings of these historic terraces. Numbers 54 and 55 are really important heritage buildings, forming part of York Buildings, one of the earliest of Weymouth's Georgian terraces, dating from 1785, and planned as a symmetrical whole.

These two large canopies have no co-ordinated design and bear no relationship to the character of the buildings. In particular, that at no. 55 cuts across the important bay window, the centrepiece of this short terrace, and has the disadvantage of being a permanent feature. If any canopy or other covering is required, it should in our view be retractable, to allow for its removal when not needed, and should be discreetly designed to minimise the impact on the historic Esplanade. We would suggest that there should be some over-all guidance for the whole area, to encourage a consistent approach throughout.

9. Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - includes 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 when considering whether to grant listed building consent.

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

Material considerations

National Planning Policy Framework 2024 (as amended 2025)

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).

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.

Emerging neighbourhood plan

Weymouth Neighbourhood Plan - The Inspector's Examination Report was received on 23 September 2025. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. On the 23 October 2025 the Cabinet Member for Planning and Emergency Planning made the decision that the Weymouth Neighbourhood Plan 2021 to 2038, as modified, can proceed to referendum.

The Weymouth Neighbourhood Plan referendum was held on Thursday 11 December 2025 and the result was in favour of the Weymouth Neighbourhood Plan. The plan will now proceed to Cabinet on 27 January 2026 where a decision will be made on making the Weymouth Neighbourhood Plan part of the development plan for the Weymouth neighbourhood area.

Given the above the Weymouth Neighbourhood Plan can be given full weight in decision-making, so far as the plan is material to the application. The following emerging policies are considered to be relevant to this proposal:

- Policy W45: Heritage Assets

Other material considerations

National Planning Practice Guidance

Supplementary Planning Documents/Guidance For West Dorset re:

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.

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:

Material considerations

- Tourism/community benefits through the retention of sitting out area in Weymouth Town Centre

Non material considerations

- Premises lease.
- License fee (paid to Dorset Council that manage the public highway on which the development is located on).

14. Heritage Assessment

Heritage impact

14.1 Heritage assets

- Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)
- York Buildings (Terrace) no.54, Grade II Listed Building, List Entry: 1145952 (application site)
- York Buildings (Terrace) no.55, Grade II Listed Building, List Entry: 1145953 (application site)
- York Buildings (Terrace) no.52, Grade II Listed Building, List Entry: 1145950, Distance: 9m
- York Buildings (Terrace) no.53, Grade II Listed Building, List Entry: 1145951, Distance: 3m
- York Buildings (Terrace) no.56 & 57 With Area Railings, Grade II Listed Building, List Entry: 1145954, Distance: 5m
- Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

Significance of heritage assets

14.2 Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)

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 have 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”*.

14.3 *York Buildings (Terrace) no.54 and 55 (application site)*

In summary the significance of no. 54 and 55 is considered to be in their architectural and historic value as examples of Georgian seaside architecture and elegant proportion and details to the frontage. The buildings present a refined classical arrangement with sash windows, window surrounds, cornices and elevational details. The buildings are considered to be a key part of The Esplanade and contribute to the long stretch of seafront terraces with a mix of Georgian styles. No. 55 features bow-fronted bay windows, pillared porticos, and neoclassical details. The wide bay to the central part of the Terrace (number 55) and decorated 3-light window (number 54) provide a key focal point for these buildings and is noted within the Conservation Area Appraisal for townscape, architectural and heritage value.

14.4 *York Buildings & Charlotte Row (within setting of application site)*

The application site forms part of the group of listed buildings known as ‘York Buildings’ which the Conservation Area Appraisal describes as *“originally seven units, greatly altered, but with the central house displaying a wide bow window on columns and remnants of decorated three light windows on the first floor of several others”*.

As a group the buildings are considered to have significance in their contribution towards townscape here which is characterised by the long vistas along the length of The Esplanade, with building blocks in sharp perspective and rounded termination points to several terrace rows, including York Terrace, creating focal points and key elements of townscape edge and enclosure. The inclusion of the railings outside no.56/57 York Terrace has particular importance regarding the setting of numbers 54, 55 and 56/57.

14.5 *Area of Archaeological Potential*

The Conservation Area Appraisal sets out that there may be archaeological evidence of earlier shorelines between the Georgian Esplanade edge and the East St/New St line.

Impact on heritage assets

14.6 *Weymouth Town Centre Conservation Area (The Esplanade sub area)(CA)*

The character and appearance of the CA is defined by its historic buildings, traditional materials, and cohesive historic townscape. The introduction of non-traditional designed metal barriers/fencing and canopy structures would be incongruous with these defining characteristics of the CA. The CA Character Appraisal highlights the need to preserve the area's unique character and avoid alterations that could undermine its historic significance. Given the above it is considered that the proposed development would not be in keeping with the character of the CA and as such would negatively impact the conservation area's overall appearance, resulting in a significant level of less than substantial harm to the significance of the CA.

14.7 *York Buildings (Terrace) no.54 and 55 (application site)*

The proposal would result in the retention of the existing canopies, barriers/fencing and seating which are considered to be of a modern, non-traditional design and appearance and given their scale and proportions span almost the entire first floor frontage of the designated heritage assets.

- 14.8 It is considered the development appears as visual clutter that is discordant in design to the heritage setting and adversely alters, disrupts and erodes the setting of the designated heritage assets. Moreover, the metal canopy arrangement and barrier/fence located to the front of no. 55, visually cuts across and disrupts views of the bow fronted pillared bay window. The pillared bay window which features neoclassic details is a significant feature within the terrace and the canopy disrupts the architectural and historic context and visual integrity of the listed building, thereby diminishing its heritage significance.
- 14.9 The awning attached to no. 54 spans across the entire front of the listed building and its permanent metal frame extends a generous distance beyond the building so that when the canopy is deployed the structure would interrupt views of the lower section of the listed building.
- 14.10 It is considered that the retention of the existing canopies, barriers/fence and other elements of the development would be visual clutter, that would be discordant in design and harm the wider contribution made to the street scene and character and appearance of the conservation area.
- 14.11 The CA appraisal sets out in its conclusion that less clutter would be an enhancement of the CA and as such given the cluttered appearance of the proposed development, the scheme is not considered to conserve or enhance the significance of the heritage assets.
- 14.12 Given the proposed development would significantly and uncharacteristically alter the setting of the Grade II listed buildings the proposal is considered to harm the heritage significance of both the site and its setting.
- 14.13 It is observed that some neighbouring buildings have similar external areas. However, each application is determined on its own merits and for the reasons set out above, this scheme is not considered to conserve or enhance the heritage assets.
- 14.14 Given the above, the proposed development is considered to result in a significant level of less than substantial harm to the listed buildings.
- 14.15 *York Buildings & Charlotte Row (within setting of application site)*

The proposed development is located adjacent to the historic 'spearhead railings' area to no. 56 which is specifically noted in the list description and enclose the basement area of the listed building. The barriers/fencing and canopies proposed to be retained are positioned such that they directly and harmfully interrupt and obscure views of the adjacent listed buildings frontages and the historic spearhead railings. As such the proposal is considered to result in less than substantial harm to the setting of the adjacent listed buildings.

14.16 *Area of Archaeological Potential*

Given the development has been carried out and any groundwork appears to be at a shallow depth in previously development pavement, it is considered the proposal would not harm the sites archaeological significance.

Public benefits

- 14.17 The application site operates as a drinking establishment and is considered to have public benefits in the form of providing jobs, contributing to the economy through purchasing goods and services, hiring entertainers, paying business rates and taxes. The site also provides a venue that contributes to Weymouth Town Centres rich and varied cultural offering.
- 14.18 The applicant has set out that the canopies and outdoor seating area provide an important resource for their business and that their removal would have an adverse effect on the business, although no substantive evidence has been submitted to support this. It is also noted that the drinking establishment was in operation for many years prior to the proposed development being in place and based on case officer observations there appear to be numerous other drinking establishments in Weymouth Town Centre that continue to operate without the need for similar scaled and permanent structures that are the subject of this application. Furthermore the public benefits arising from the outdoor seating could also be

achieved in a less harmful way through removable and temporary measures under the pavement licensing regime.

Heritage impacts summary

- 14.19 For the reasons set out above the proposed development is considered to result in a significant level of less than substantial harm to the listed building within the application site, the Weymouth Town Centre Conservation Area and less than substantial harm to the setting of the adjacent listed buildings set out in this report.
- 14.20 Paragraph 213 of the NPPF (2025 as amended) sets out the following:
“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.
- 14.21 The Heritage Statement submitted in support of the application sets out that the proposals would not adversely impact the listed building or the CA and states that:
“The proposed canopies will fit in with its surroundings through the consideration of its form and appearance due to other adjacent listing buildings having canopies as well, resulting in only a positive impact on the street scape and overall conservation area”.
- 14.22 It is therefore considered that the application has not identified harm to the designated heritage assets and indeed suggests that the proposal is in keeping with the character of the site and setting by virtue of the design and that adjacent buildings also have canopies. However, the canopies on the adjacent ‘Kika Beach Club’ to the south of the application site do not currently have planning permission or listed building consent and planning and listed building applications no. P/FUL/2025/01316 and P/LBC/2025/02899 have been submitted by the same agent acting on behalf of the applicant for this application.
- 14.23 Given the above it is considered that clear and convincing justification has not been provided for the less than substantial harm to the designated heritage assets as a result of the proposed development.
- 14.24 Paragraph 215 of the NPPF (2025 as amended) sets out the following:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 14.25 The application site is considered to provide important public benefits, however, it is considered that these can only be partially attributed to the proposed development, which does not form part of the original premises and given the outdoor setting, would be mostly limited to seasonal use. As such it is considered the public benefits of the proposed development would be slight and no convincing evidence has been submitted to suggest the scheme would secure the optimum viable use of the listed building. The public benefits arising from the outdoor seating could also be achieved in a less harmful way through removable and temporary measures under the pavement licensing regime.
- 14.26 Paragraph 212 of the NPPF (2025 as amended) sets out that:
“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.
- 14.27 Given the slight public benefits attributable to the proposed development weighed against the significant level of less than substantial harm to multiple designated heritage assets, it is considered that the level of heritage harm is not outweighed by the public benefits of the proposal.
- 14.28 is therefore considered that the proposal would result in significant less than substantial harm to the heritage significance of the designated heritage assets, which is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of its heritage impact and fails to accord with Local Plan

Policy ENV4, Neighbourhood Plan Policy W45 and paragraphs 212, 213 and 215 of the NPPF (2025 as amended) and the Local Planning Authority duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Conclusion

- 14.29 The design of the development is not in keeping with the site or the area and as such fails to positively preserve or enhance the unique characteristics of the area and indeed is considered to have a detrimental visual impact on the site and The Esplanade area.
- 14.30 Furthermore, the application is considered to be unacceptable in heritage impact terms, given the uncharacteristic design to the site and the area, which is considered to result in significant less than substantial harm to the designated heritage assets, and the level of harm is not outweighed by public benefits and is without convincing justification.
- 14.31 Given the above the proposed development would fail to accord the relevant policies set out in this report of the West Dorset, Weymouth & Portland Local Plan 2015, the draft Weymouth Neighbourhood Plan 2021 – 2038 (20th October 2025 – Referendum Draft) and the National Planning Policy Framework (2025 as amended).
- 14.32 Furthermore, the proposal fails to preserve the special architectural and historic interest of the listed buildings and their setting and as such does not accord with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 14.33 Given the above, the application is recommended for refusal.

15. Recommendation

15.1 Refuse listed building consent for the reasons set out below:

1. The proposed development would result in significant less than substantial harm to the heritage significance of the listed buildings within the application site. The harm to the listed buildings is not outweighed by public benefits and is without clear and convincing justification. Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with the West Dorset, Weymouth & Portland Local Plan 2015 Policy ENV4, Weymouth Neighbourhood Plan 2021-2038 Policy W45, The National Planning Policy Framework (2025 as amended) paragraphs 212, 213 and 215 and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

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