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| Application Number: | P/VOC/2024/06716 |
| Webpage: | Planning application: P/VOC/2024/06716 - dorsetforyou.com |
| Site address: | Weymouth Beach The Esplanade Weymouth |
| Proposal: | Application WP/18/00010/VOC - (variation of condition 2 regarding size and location details of facilities) of planning permission 10/00118/FUL3 (Arrangement and design of beach attractions and kiosks) Variation of Conditions 1 and 2 - to relocate the attraction sites A3 and A4 and combine these with site A5 to be tendered as one site. Provide an Observation Wheel on the current A6 site |
| Applicant name: | Weymouth Town Council |
| Case Officer: | Darren Rogers |
| Ward Member(s): | Cllr Orrell |

1.0 The application is reported to Committee as the application site is located on Dorset Council owned land.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

- The length of the beach already has a number of seaside attractions approved.
- There would be less than substantial harm to Heritage Assets which would, be outweighed by wider public benefits arising from the proposals and there being no harm in the winter months as all structures would be removed.
- There would be no significantly adverse impact on the amenity of occupiers of nearby properties given the existence of the existing beachside attractions
- There are no other material considerations which would warrant refusal of this application

4.0 Key planning issues

| Issue | Conclusion |
|---|--|
| Principle of development | The length of the beach already has a number of seaside attractions approved. |
| Scale, design, impact on character and appearance | There would be less than substantial harm to Heritage Assets which would, be outweighed by wider public benefits arising from the proposals and there being no harm in the winter months as all structures would be removed. |

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|--|---|
| Impact on the living conditions of the occupants and neighbouring properties | There would be no significantly adverse impact on the amenity of occupiers of nearby properties given the existence of the existing beachside attractions. |
| Impact on landscape or heritage assets | Historic England has no objection to the principle of these installations on heritage grounds but suggested that a Heritage Statement be provided (now submitted) in order that the impact of the proposed installations can be defined and means to minimise their impact can be fully assessed and that consideration be given to the removal of the Ferris Wheel in the winter months. |
| Flood risk and drainage | There are no adverse flood risks arising from the proposals which comprise a water compatible flood risk use. |
| Economic benefits | The provision of the Ferris wheel in particular is likely to provide economic benefits by reason of anticipated increased visitor numbers to the town. |
| Highway impacts, safety, access and parking | There are no adverse highway impact arising from the proposal. |

5.0 Description of Site

- 5.1 The application site relates to a significant length of the existing Weymouth beach upon which, previous planning permissions have authorised various beach attractions and kiosks.
- 5.2 The site itself lies within the Weymouth Town Centre Conservation Area and runs along The Esplanade. Along the length of the application site are a number of existing listed buildings located directly opposite the site.
- 5.3 The beach also falls within flood zones 2 and 3 as set out by the Environment Agency's flood data and is at risk of tidal flooding when taking account of climate change (Weymouth SFRA level 2).

6.0 Description of Development

- 6.1 Weymouth Town Council wish to make further amendments to the beach attractions at sites identified as A3, A4, A5 and A6. The sites are managed by the Town Council with an approach to retain traditional seaside attractions and do not encourage large noisy fairground type rides on the beach. In addition, public announcement and music equipment is not allowed at the attractions and this is controlled by the Town Council. Such a planning condition is not attached to the current planning permission.
- 6.2 It is proposed to relocate the attraction sites A3 and A4 and combine these with site A5 to be tendered as one site. The new site would be 60m x 25m giving a total area of 1500m. The site would include similar height limits to the existing sites i.e. 6m and 8m if open structures, plus one attraction up to 11m and one attraction up to 15m. This site would be seasonal as per the existing sites.

6.3 These changes aim to achieve less clutter spread across the beach, which is an issue that has been raised in the Town Council's seafront strategy consultation. The revised arrangement of the attractions would also provide a more themed approach on one site recognising the seafront tradition and heritage; and easier management for the Town Council and operator.

6.4 It is also proposed to provide an Observation Wheel on the current A6 site, the details of which would be: -

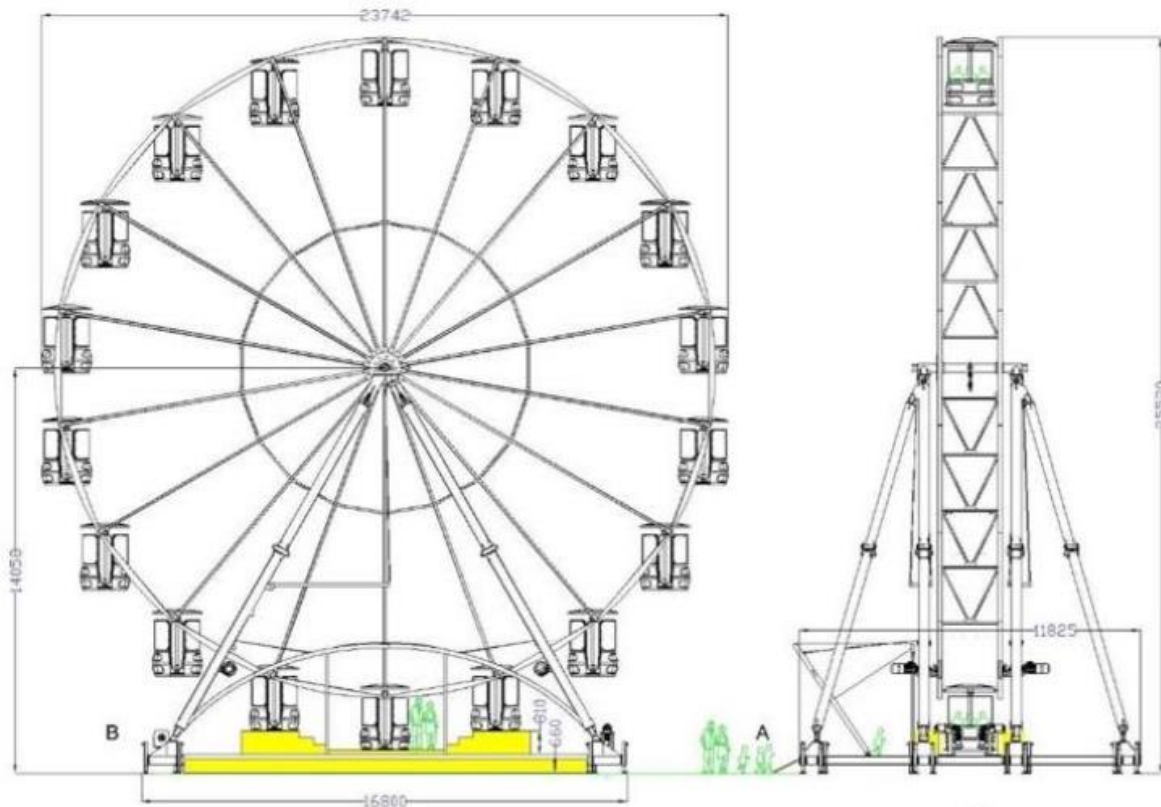
- No higher than 33m
- At least one accessible gondola
- Target market families/older people
- Similar to wheel at Skegness (see below photo)
- White in colour

No concrete foundations would be required, just matting underneath (similar to the helter skelter). The Observation Wheel may be seasonal but could potentially be on site all year round.



Skegness Observation Wheel

6.5 The detail of the proposed wheel would be similar to those below, although the exact dimensions would vary dependent on the final supplier.



6.6 Seeking to minimise any visual impact the following design features and details are also proposed

- siting from 1st March 31st to October only each year
- wheel to be white in colour,
- white lighting
- orientated with the circular face of the wheel towards Alexandra Gardens and the gondolas facing towards the beach office and pavilion
- associated structures e.g. ticket booths, surfacing etc. integrated with the wheel

7.0 Relevant Planning History

There is extensive history of various permissions along the beach frontage but the two most pertinent applications to this application are as follows:

10/00118/FUL3 - Arrangement and design of beach attractions and kiosks – Approved 05/10/2010

WP/18/00010/VOC - Decision: GRA - Decision Date: 11/04/2018

Arrangement and design of beach attractions and kiosks (variation of condition 2 of planning permission 10/00118/FUL3 regarding size and location details of facilities)

8.0 List of Constraints

PROMENADE SHELTER OPPOSITE EDWARDES STATUE listed building grade G2.
HE Reference: 1328305 - Distance: 0

Grade: II Listed Building: PROMENADE SHELTER OPPOSITE NUMBER 88 (NUMBER 88 NOT INCLUDED) List Entry: 1328297.0; - Distance: 8.69

Grade: II Listed Building: WEYMOUTH D-DAY PORT MEMORIAL List Entry: 1393112.0; - Distance: 14.15

Grade: II Listed Building: PROMENADE SHELTER APPROXIMATELY 65 METRES SOUTH OF THE JUBILEE CLOCK List Entry: 1328301.0; - Distance: 21.91

Grade: II Listed Building: PROMENADE SHELTER OPPOSITE BOND STREET List Entry: 1328302.0; - Distance: 6.02

Grade: II Listed Building: PROMENADE SHELTER OPPOSITE CHESTERFIELD PLACE List Entry: 1328303.0; - Distance: 6.24

Grade: II Listed Building: EDWARDES STATUE List Entry: 1365874.0; - Distance: 20.43

Grade: II Listed Building: PROMENADE SHELTER OPPOSITE EDWARDES STATUE List Entry: 1328305.0; - Distance: 1.68

Weymouth Town Centre Conservation Area - Distance: 0

Landscape Character; Urban Area; Weymouth Urban Area - Distance: 0

WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre - Distance: 0

SUS2; Defined Development Boundary; Weymouth - Distance: 0

WEY5; The Esplanade (South); The Esplanade (South) - Distance: 0

Wessex Water Treatment Works Catchment - Distance: 0

Dorset Council Land Freehold : Weymouth Beach Promenade from Weymouth Pavilion to Brunswick Terrace, Weymouth - Reference FH004434 - Distance: 0

Dorset Council Land Freehold : Weymouth Beach from Alexandra Gardens to Brunswick Terrace, Weymouth - Reference FH004439 - Distance: 0

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 3021.87

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3273.93

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Scheduled Monument: Nothe Fort, tramway and searchlight battery at The Nothe (List Entry: 1020063.0); - Distance: 349.7

Flood Zone 3 (record ID 25937) - Distance: 0

Flood Zone 2 (record ID 45948) - Distance: 0

EA - Spatial Flood Defences - Distance: 0

Flood Risk Zone 3a - Distance: 0

Portland heliport consultation zone (within 13km) - Distance: 4450.6

Radon: Class: Class 1: Less than 1% - Distance: 0

ONR portland_12km_zone - Distance: 0

There are various listed buildings opposite the length of the beach attractions site where there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990 – Section 66 of that Act relates to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

The site is also within the Weymouth Town Centre Conservation Area where there is a statutory duty (Section 72) to preserve or enhance the significance of that area under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. **Weymouth Town Council** - The Council supports this application and raises no objection.
2. **Melcombe Regis Ward Member** – None received.
3. **Environment Agency** - No objection to the proposed amendments.
4. **Historic England** - Whilst Historic England has no objection to the principle of this installation on heritage grounds, they suggest that a Heritage Statement be provided (now submitted) in order that the impact of the proposed installation can be defined and means to minimise this impact fully assessed and that consideration be given to the removal of the Ferris Wheel in the winter months.
5. **Dorset Council - Asset & Property** - No comments received
6. **Dorset Council - Conservation Officers** – No objection.

Representations received - 38 representations received

Summary of comments of objections:

- Impact on Heritage: The development is seen as harmful to the character and heritage of Weymouth's historic seafront.
- Disregard for Existing Attractions: The Council's (Weymouth TC) decision overlooks long-standing attractions like the Snail Ride, which has been part of the seafront for over 25 years.
- Lack of Transparency: Concerns are raised about the council's lack of transparency and consultation with local businesses and residents.
- The proposed changes will harm Weymouth's heritage and economy
- Moving attractions into a smaller area creates a far rowdier, louder and intrusive experience, not to mention dissuades those who wish to visit the attractions from venturing further up the esplanade, supporting the many businesses that operate along its length.

- The wheel is far too large and will block a large section of the promenade from a sea view.
- The rides have changed in recent years from heritage children's rides like trampolines to large brightly lit fairground rides.
- Putting up this wheel combined with relocation of the other rides will block a sea view from Alexandra Gardens to almost opposite M&S.
- The Helter Skelter is already overbearing in a conservation area and this will further distract from the Georgian esplanade frontage.
- This is a major change to the beach with little public consultation. Haven't seen any notice.
- The attraction is also being placed on the small dog area of the beach which will further restrict the area available.
- Objections to the Weymouth Super Snail leaving the beach as they are an iconic part of many childhoods. This plan threatens the unique character and heritage of the historic seafront.
- The Big Wheel would be a tacky eyesore at Southend and Skegness. The beach is not the place for it and that's why you don't see big wheels on European beaches.
- The proposals will change the traditional appearance of the sea front which people coming to Weymouth know and love. Putting them all in one area also condenses people into a smaller space which could congest the specific area of the promenade more.
- We do not require an observation wheel - the Sealife tower didn't work out so I'm not confident that a wheel version of this would do any better

Summary of comments of support – None.

10.0 Duties

- 10.1 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.
- 10.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66 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 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

11.1 Development 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 And Sites Of Geological Interest

ENV4. Heritage Assets

ENV5. Flood Risk

ENV7. Coastal Erosion And Land Instability

ENV10. The Landscape And Townscape Setting

ENV12. The Design And Positioning Of Buildings

ENV15. Efficient And Appropriate Use Of Land

ENV16. Amenity

ECON5. Tourism Attractions And Facilities

WEY5. The Esplanade (South)

11.2 Material Considerations

11.3 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 draft Dorset Council Local Plan

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

11.4 Emerging Neighbourhood Plans

Weymouth Neighbourhood Plan - The Weymouth Neighbourhood Plan has been submitted for examination but has limited weight applied to decision making until it is 'made'. The draft plan (December 2024) includes the following policies of relevance:

W13 - Panoramas, Vistas and Views

W39 - Weymouth Town Centre

W41 - Sustainable Tourism Development

W45 - Heritage Assets

11.5 National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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.

- 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 beautiful 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 and beautiful places' 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'- 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 (para 212). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

11.6 Supplementary Planning Documents

WPBC: Listed Buildings and Conservation Areas (2002)

Urban Design (2002)

WPBC Conservation Area Appraisals Weymouth Town Centre

Weymouth and Portland Landscape Character Assessment 2013

Shoreline Management Plans

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.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

Disabled access arrangements are proposed for one of the ride attractions namely the Ferris wheel with at least one accessible gondola to ensure people with disabilities are not disadvantaged with access to this beachside attraction. The beach is otherwise disabled friendly with various ramped accesses etc.

14.0 Financial benefits

| What | Amount / value |
|-------------------------|-----------------------|
| Material Considerations | |
| N/A | N/A |

| | |
|-----------------------------|-----------|
| Non-Material Considerations | |
| Economic Benefits | Not known |

15.0 Environmental Implications

15.1 There are no environmental implications associated with the proposal to amend the beach attractions.

16.0 Planning Assessment

16.1 *Planning Background* - Planning Permission ref. WP/18/00010/VOC was granted on 11th April 2018 for: -

Arrangement and design of beach attractions and kiosks (variation of condition 2 of planning permission 10/00118/FUL3 regarding size and location details of facilities).

16.2 This was a variation of an earlier permission ref. 10/00118/FUL3 for: -

Arrangement and design of beach attractions and kiosks

16.3 The approved plans for the 2018 permission are listed in condition 1 of the decision notice and these indicate the location of catering (SC) and retail (R) kiosks and attractions (A) along the beach. Condition 2 on the decision notice includes a table with various size and height limits for each location as is shown below.

| Type | Location | Dimension |
|------|--|---------------------------------|
| SC1 | Opposite 114 The Esplanade Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| SC2 | Opposite Gloucester Lodge/PH, adjacent steps Kiosk & Decking: | 9.0m frontage x 9.5m depth site |
| SC3 | Opposite 76 The Esplanade, adjacent steps Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| SC4 | Opposite M&S, adjacent steps/slipway Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| R1 | Opposite south end of former TIC | 8.0m frontage x 6.0m depth Site |
| R2 | Opposite 72/73 The Esplanade | 8.0m frontage x 6.0m depth Site |
| R4 | Opposite 44/45 The Esplanade | 8.0m frontage x 6.0m depth Site |
| A2 | Opposite Tea Cabin | 20m x 10m Height restriction 3m |
| A3 | Opposite 58 The Esplanade | 20m x15m Height restriction 6m |

| | | |
|---|---|--|
| A4 | Opposite M&S | 10m x 15m Height restriction 6m unless open structure up to 8m |
| A5 | Opposite Bond Street 30m x 23m | Height restriction 8m plus one attraction up to 11m and one attraction up to 15m |
| A6 | Opposite Sir Henry Edwards statue | 18m x 18m Height restriction 6m |
| H1 Punch and Judy as existing 15m x 20m | H1 Punch and Judy as existing 15m x 20m | H1 Punch and Judy as existing 15m x 20m |
| H2 Donkeys as existing 8.5m x 5m | H2 Donkeys as existing 8.5m x 5m | H2 Donkeys as existing 8.5m x 5m |

16.4 Weymouth Town Council wish to make further amendments to the beach attractions at sites A3, A4, A5 and A6. The sites are managed by the Town Council with an approach to retain traditional seaside attractions and do not encourage large noisy fairground type rides on the beach. In addition, public announcement and music equipment is not allowed at the attractions and this is controlled by the Town Council. Such a planning condition is not attached to the current planning permission.

16.5 This application is therefore made to amend conditions 1 and 2 of the previous planning permission WP/18/00010/VOC to allow a revised arrangement of the attractions A3, A4, A5 and A6 on the beach. The other kiosks on the beach would remain as existing.

Condition 1 would require amendment with the substitution of the revised site plan as submitted - Drawing 1566-02 Proposed plan.

Condition 2 would require amendment with a revision to the attached table with regard to the details of attraction sites A3, A4, A5 and A6.

16.6 A section 73 application is able to be made provided that the description of the development stays the same and where it is proposed to alter the arrangement areas and design of the beach attractions and kiosks from that approved under this application Planning application: WP/18/00010/VOC - dorsetforyou.com (dorsetcouncil.gov.uk) .

16.7 The previously approved application decision notice was described as “Arrangement and design of beach attractions and kiosks (variation of condition 2 of planning permission 10/00118/FUL3 regarding size and location details of facilities)”

Impact on the character of the area/Impact on heritage assets:

16.8 The main planning issue relevant to this proposal is the impact of the proposed changes on the character and appearance of the area given the adjacent Heritage Assets (Conservation Area and nearby listed buildings)

- 16.9 There is no doubt that the frontage of the Esplanade has many Heritage Assets it being located within the Weymouth Town Centre Conservation Area (WTCCA). The Town Centre Conservation Area is divided into five Sub-Areas including The Esplanade.
- 16.10 The Sub-Areas relate to identifiable physical characters and the fact that several areas of the Conservation Area were designated at different times. Each Sub-Area is analysed in some detail, according to the English Heritage (now Historic England) guidelines for conservation area appraisals. Historic Importance is described, with an overview of development history. Building Uses is briefly assessed, especially where these have had a major influence on Building Types and Layouts.
- 16.11 It is recognised in the WTCCA that *“The Esplanade is an important example of late Georgian town planning, related firmly to the sea and to the requirements of the Borough Council’s land ownership, a 1776 Act of Parliament and local building bylaws and the design framework and influence of James Hamilton. Its origins are roughly contemporary with the development of the Bathwick Estate by Thomas Baldwin, in Bath, and the concept predates Regency Brighton by about twenty years”*.
- 16.12 The WTCCA also states that *“The beach is an extension of The Esplanade and, at low tide; expanses of drying sand extend the usable space. The pebbles and shingle to the north of the Jubilee Clock and the sands to the south are a large public space. There are various entertainment and amenity features, including chalets and boat and canoe hire (north), refreshment huts, Punch and Judy, fairground rides and trampolines and sand sculpture. The sands accommodate special events, at specific times of the year, notable a Kite Festival, motorbike races and a beach volleyball festival”*.
- 16.13 This proposal needs to also be considered having regard to the need to preserve/enhance the character and appearance of the Conservation Area as set out in Section 72 of the Listed Buildings and Conservation Areas Act 1990, and the need to have due regard to the setting impact on nearby listed buildings (Section 66 of the same Act). NPPF Para 210 states: *“In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”*
- 16.14 Weymouth beach has long been established as an area to which beach attractions have been an historic character of this part of Weymouth and this is recognised by Historic England in their consultation response. Nevertheless The Esplanade itself is a significant Heritage asset falling within the Weymouth Town Centre Conservation Area along with the many listed buildings fronting The Esplanade. The Conservation Officer comments that the location is within close proximity to many Listed buildings along The Esplanade and is within the Weymouth Town Centre Conservation Area. It is noted that the proposed structure (Ferris wheel) would have an increased height however as it would be considered temporary, and not having permanent foundations and would be reversible, being relatively easy to dismantle, the officer concurs with Historic England’s comments that removing the structure from the seafront over the winter months should be considered. Due to the height and proximity, the Ferris wheel structure would have

an impact on the setting of the nearby Listed buildings. However, due to the temporary and reversible nature of the structure, this is considered to be “less than substantial harm” and the Conservation Officer has no objection to this application.

- 16.15 The location is within close proximity to many Listed buildings along The Esplanade, and affects their setting and the wider setting of the Conservation Area, the level of harm which results to those designated heritage assets is considered to be “less than substantial harm” and is considered to be outweighed by the public benefits of the proposal which comprise of economic benefits arising from the introduction of the Ferris wheel attraction, and those who would use it can appreciate the built and natural environment from a completely different vantage point.
- 16.16 Whilst Historic England has no objection to the principle of this installation on heritage grounds, they suggest that a Heritage Statement be provided, (now submitted) in order that the impact of the proposed installation can be defined and means to minimise this impact fully assessed and that consideration be given to the removal of the Ferris Wheel in the winter months. The applicant's agent has confirmed that the wheel is to be white in colour, with white lighting, orientated with the circular face of the wheel towards Alexandra Gardens and the sea, and the gondolas facing towards the beach office and pavilion, and the associated structures e.g. ticket booths, surfacing etc. integrated with the wheel. As such and subject to a condition that the Ferris wheel along with the other structures are removed from the beach between 1st March 31st to October each year, the proposal is considered to be acceptable in Heritage terms.
- 16.17 There have been a number of objections about the loss of one of the beach attractions namely the snail ride, with many representations outlining the fact that this is a long-established part of the beach attractions on Weymouth beach. However the applicants have confirmed that the licences for all the rides including the snails, helter-skelter etc, but excluding the Punch and Judy and Donkeys, have now expired, and operators will need to apply in the new tender process for the coming season. The snail ride operator will of course be able to do so. The snail ride was at site area A6 last year (2024) but could potentially relocate dependant on the outcome of the tenders. As such it is not the intention to see this beach attraction removed but essentially partly relocated to allow a revised arrangement of the attractions A3, A4, A5 and A6 on the beach, but this is a matter for the applicant and is not a material planning consideration that requires assessment as part of this current application. The applicants have also confirmed that that the Ferris wheel will be close to the existing sand sculpture building but will not overlap the area of it.
- 16.18 Impact on neighbouring amenity - In light of the existing use of the beach along with the beach side attractions, it is not considered that the provision of the proposals as intended to be altered would have a significant adverse impact on the amenity of neighbouring properties particularly those fronting The Esplanade. Although the proposed Ferris wheel would be the most significant visual change for those properties fronting The Esplanade, (the applicants have confirmed that the wheel will be positioned parallel to the Esplanade) such a feature is not considered so adverse to warrant refusal of planning permission on grounds of adverse amenity impacts.
- 16.19 Flood Risk – Although the site is located within flood zones 2 and 3 there are an existing variety of beachside attractions along the Esplanade. However these are considered to be Water-Compatible uses as set out in the NPPF. The Environment Agency has been consulted on the proposals and they raise no objections. It is not

therefore considered that the proposals introduce any significantly additional flood risk to users of the beach and its attractions compared to the 'as existing' uses.

16.20 Highway safety and access – No consultation has been undertaken with Highways given the nature of the proposals not adversely affecting any part of the Esplanade highway

17.0 Conclusion

17.1 It is considered that in light of the issues raised in paragraphs 16 to 16.20 above, the proposal is acceptable and as regards heritage impact the proposals would lead to 'less than substantial harm' to the character and appearance of the Conservation Area and the setting of nearby listed buildings along The Esplanade but that 'harm' is outweighed by the likely wider economic benefits arising from the revised beach attractions as set out in this report.

17.2 As for planning conditions, the 2018 permission had conditions 3, 4 and 5 attached particularly with reference as regards requiring details of new kiosks to be submitted and approved. Only conditions 4 and 5 need to be repeated (and amended in part as regards condition 4) to require details of the Ferris wheel to be submitted and approved prior to its installation. This is considered justified given the proximity of the site to listed buildings and its location within the Conservation Area and to retain control over its colour.

18.0 Recommendation

It is therefore recommended that planning permission should be granted under Section 73 of the Town and Country Planning Act 1990 (as amended) and conditions 1 and 2 of planning permission WP/18/00010/VOC (which varied approval reference number 10/00118/FUL3) be further varied regarding the size and location details of facilities of planning permission as follows: -

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

Proposed plan - Drawing number 1566-02

Refreshment Kiosk - drawing number 2010. 27. 01 A;

Retail kiosk - drawing number 2010. 27. 02 A;

Details - drawing number 2010. 7. 04

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

2. The beachside attractions hereby approved shall be in accordance with the detail in the attached table and shall not exceed the size limits stated.

| Type | Location | Dimension |
|------|--|---------------------------------|
| SC1 | Opposite 114 The Esplanade Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| SC2 | Opposite Gloucester Lodge/PH, adjacent steps Kiosk & Decking: | 9.0m frontage x 9.5m depth site |

| | | |
|---|--|--|
| SC3 | Opposite 76 The Esplanade, adjacent steps Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| SC4 | Opposite M&S, adjacent steps/slipway Kiosk & Decking | 9.0m frontage x 9.5m depth site |
| R1 | Opposite south end of former TIC | 8.0m frontage x 6.0m depth site |
| R2 | Opposite 72/73 The Esplanade | 8.0m frontage x 6.0m depth site |
| R4 | Opposite 44/45 The Esplanade | 8.0m frontage x 6.0m depth site |
| A2 | Opposite Tea Cabin | 20m x 10m Height restriction 3m |
| A5 | Opposite Bond Street 60m x 25m | Height restriction 6m or open structure up to 8m, plus - one attraction up to 11m and one attraction up to 15m |
| A6 | Opposite Sir Henry Edwards statue 18m x 18m | Observation Wheel - no higher than 33m, with at least one accessible gondola, white in colour, with no concrete foundations. |
| H1 Punch and Judy as existing 15m x 20m | H1 Punch and Judy as existing 15m x 20m | H1 Punch and Judy as existing 15m x 20m |
| H2 Donkeys as existing 8.5m x 5m | H2 Donkeys as existing 8.5m x 5m | H2 Donkeys as existing 8.5m x 5m |

Reason: To ensure that the development does not detract from the character and appearance of the Weymouth Town Centre Conservation Area, or from the setting of listed buildings along the Esplanade.

3. The beachside attractions hereby permitted shall be permanently removed from the site between October 31st and March 1st in the following calendar year.

Reason: To ensure that the development minimises the Heritage impact of the proposals having regard to the need to preserve or enhance the character and appearance of the Weymouth Town Centre Conservation Area, and the setting of listed buildings along the Esplanade.

4. Before the construction of any new kiosk, details of the colour scheme of the building and any associated awning shall be submitted to and approved in writing by the Local Planning Authority. The colours to be used shall be

restricted to the agreed colour palette and the development shall be completed in accordance with the approved scheme.

Reason: To ensure that the development does not detract from the character and appearance of the Weymouth Town Centre Conservation Area, or the listed buildings along the Esplanade

5. Detailed drawings and specifications showing the design, construction and colour scheme of any new built structure including the proposed Ferris Wheel and/or fencing enclosure for the attraction sites and any enclosure or barrier for the kiosks shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not detract from the character and appearance of the Weymouth Town Centre Conservation Area, or the listed buildings along the Esplanade

Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Biodiversity Gain Plan - Exempt Biodiversity Net Gain

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority, and
- the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

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* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>