

Application Number:	P/FUL/2025/02951
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	2-4 Custom House Quay Weymouth DT4 8BE
Proposal:	Retain canopies and associated works to frontage 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:

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

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Impact on heritage assets	Acceptable
Flood risk and drainage	Acceptable
Economic benefits	Acceptable
Highway impacts	Acceptable
Environmental implications	Acceptable

4. Description of site

4.1 The application site is located on the north side of Weymouth Harbour and on the north side of Custom House Quay. The site encompasses The George Inn and to its south a section of the public highway in front of the existing building, which is being used as a sitting out area for the existing Public House. The George Inn is recorded as a Locally Important Building and as such is a non-designated heritage asset. The site is located centrally within the Weymouth Town Centre Conservation Area and the Grade II Listed Building the Old Fish Market is immediately adjacent to the west of the site and the Grade II Listed building the Custom House is to the east at the end of the terrace.

5. Description of development

5.1 The proposal is to retain the existing retractable canopy on the front (south) elevation of the building, and the wooden posts with lighting hung between, wooden planters with rope in between, which form a physical separation between the pavement and the external seating area for use of the business premises, thereby being a change of use of the area for use in association with the public house.

5.2 Through the course of the application process, the proposed pergola and servery structures were removed from the scheme to address concerns raised regarding their visual and heritage impact.

6. Background and relevant planning history

Application no.	Proposal	Decision	Decision Date
WP/20/00409/NOTS	Notification of Sitting out/Street Café Licence application	No Objection	07/07/2020
07/00378/FUL	Erect retractable awning	Refused	25/06/2007
91/00012/FUL	Minor alterations to frontage to provide take away food shop	Granted	06/03/1991
90/00750/FUL	Erection of flagpole	Granted	16/01/1991
87/00834/FUL	Internal alterations and extensions to form enlarged bars new cellar, wcs and boiler room	Granted	25/01/1988
87/00835/ADV	Installation of illuminated advertisements	Granted	25/01/1988

7. List of constraints

Weymouth Defined Development Boundary

Weymouth Town Centre Conservation Area

Grade II Listed Building, Old Fish Market, List Entry: 1272114

Important Local Buildings

Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

Weymouth Town Centre Areas

Secondary Shopping Frontage; Custom House Quay, Weymouth

Custom House Quay and Brewery Waterfront; Custom House Quay and Brewery Waterfront

Weymouth Town Centre Strategy

Natural England - RAMSAR - Distance: 2.8km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet - Distance: 2.8km

Special Area of Conservation (SAC) (5km buffer): Isle of Portland to Studland Cliffs - Distance: 3.5km

Special Area of Conservation (SAC) (5km buffer): Crookhill Brick Pit - Distance: 3.6km

Scheduled Monument: Nothe Fort, tramway and searchlight battery at The Nothe (List Entry: 1020063); - Distance: 493m

Main River Consultation Zone

Flood Zone 3a

SFRA 2 Boundary

Wessex Water Treatment Works Catchment

Portland heliport consultation zone (within 13km) - Distance: 4.3km

Radon: Class: 2.0

ONR Portland - 12km zone

8. Consultations

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

Consultees

1. Dorset Council - Highways

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.

2. Dorset Council - Conservation Officers

The proposed works are considered relatively lightweight and to a degree, reversible in nature. The seating area is across a wide frontage with a commercial / industrial building behind. It is considered that the location can accommodate the proposal without impacting on the heritage asset, with the design allowing views through to the building. The scheme would not detrimentally harm the significance of this heritage asset, the neighbouring Listed buildings nor the Conservation Area. There is no objection to the proposal.

3. Environment Agency (EA)

No Objection

The seating area is within the edge of present-day tidal Flood Zone 3b with depths shown between 0.1m-0.3m by the online SFRA Level 2 maps.

We would not wish to object to a new outdoor seating proposal on this modest scale and at this location as proposed, and we would not anticipate the proposals would result in a loss of floodplain storage or block water flow routes.

EA consider the proposal to have a very low flood risk.

4. Weymouth Town Council

The proposals are encouraged on the grounds of economic development, but the Committee recommends that trading ceases at 11pm, and that the volume of the speakers is such that it does not disturb neighbours.

5. Melcombe Regis Ward Member

No response received

6. Dorset Council - Env. Services - Food, Safety & Port Health

No response received

7. Dorset Council - Env. Services – Protection

Recommend the area is not used after 23.00hrs until 08.00hrs the following day, to protect the loss of amenity due to noise levels.

Representations received

Weymouth Civic Society

Concern raised of the effect of the development on the setting of the George, and in particular we question the "pergola" with servery.

Concern raised of the risk of proliferation of canopies and related development in continued creep along the whole harbourside frontage, including the Old Fish Market (holder of the Society's 2021 Annual Award), upsetting the balance and the fine setting of these buildings.

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

Summary of comments:

Providing dining facilities that meet public expectations in the C21, whilst protecting and respecting our architectural heritage, is essential for the town to prosper in future.

Wooden pagoda and awning, neither are attached to a listed building. If this application was to use black aluminium and solar panels, then that would be totally out of place in a conservation area! The choice of rustic materials is suitable for the area.

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
- WEY4: Custom house quay and brewery waterfront

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 – 13 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 policies are considered to be relevant to this proposal:

Policy W01: Shoreline Protection

Policy W02: Conservation of the Natural Environment

Policy W03: Wildlife Habitats and Areas

Policy W05: Ecological Impact of Development

Policy W07: Rights of Way and Access to the Countryside

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 W41: Sustainable Tourism Development

Policy W44: Design

Policy W45: Heritage Assets

Policy W53: Public Houses

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).

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

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. No disadvantage to people with protected characteristics has been identified.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised 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. 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 Based on observations during the case officer site visit, when retracted the existing canopy forms a discrete and slender dark grey horizontal shape on a section of the front of the building at

approximately first floor level. Based on the google streetview image from June 2023 the location of the retractable canopy appears to be approximately in the same location where several dark grey planters have previously been located, and which were of a similar shape and form to the existing retracted canopy. The proposed canopy does not feature a permanent frame to support it beyond the host building and extends approximately 6.3m wide across the approximate 21m width of the building. The Design and Access Statement supporting the application sets out *“The canopy has been designed so that the textile cover can be retracted when it is not in use, this reduces its impact on the building”*. To ensure the retractable canopy is retained as such and to limit the impact on the character of the area, it is considered a condition is necessary and reasonable to require the canopy to be retracted when the premises are not in use. Therefore, given the above and that when not in use the canopy would be retracted, it is considered the proposed canopy would be subordinate in scale and proportion to the existing building, would not detract from the overall appearance of the building or adversely impact the character of the area.

14.4 The wooden planters are painted dark grey, are approximately 0.7m in height, are of varying lengths and the horizontal boarding and multiple access gaps between the planters all contribute to breaking up the mass of the planters when viewed from the adjacent streetscene. Furthermore, the wooden posts and string bulb light hung between them are slim in profile, a dark recessive black/dark grey colour and as such do not form a prominent feature in the streetscape. The overall appearance is of a somewhat temporary structure that informally defines the seating area within and is subordinate in scale and appearance to the host building.

14.5 The Weymouth Neighbourhood Plan (currently the subject of the examiners report and awaiting referendum) sets out on Map 15C ref: V10 that from the viewpoint looking north from Chapelhay Steps the site is viewed as part of the iconic Town Bridge and taking in part of the inner harbour (marina) with converted warehouses in the near background. However, as set out above the proposal is not considered to adversely impact this important view.

14.6 It is therefore considered that subject to conditions the proposal is acceptable in terms of its impact on the character of the area.

Impact on the living conditions of the occupants and neighbouring properties

14.7 The proposed development would allow for sitting out use associated with the host Public House and as such there is potential for the noise from patrons of the Public House to impact on the amenity of occupiers of nearby dwellings.

14.8 The residential dwellings to the south of the site are afforded a generous distance of separation from the application site by virtue of Weymouth Harbour. Furthermore, potential noise impact to the residential dwellings to the rear (north) of the site is mitigated by the separation provided by the existing building. It is also considered that given the town centre location, the site and area is already characterised by the associated nighttime economy, and a degree of noise from premises is to be expected by residents. Environmental Health have responded to the proposal and consider the area should not be used between 23.00hrs to 08.00hrs the following day, to protect from any significant loss of amenity due to noise levels.

14.9 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.

Impact on heritage assets

Heritage assets

- Weymouth Town Centre Conservation Area (CA)
- Grade II Listed Building, Old Fish Market, List Entry: 1272114
- Important Local Building (The George PH)
- Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

Significance of heritage assets

Weymouth Town Centre Conservation Area

14.10 The application site is located in prominent location in the sub area of “Commercial Core and Custom House Quay” of the Conservation Area (CA) where a wealth of original features and detailing including windows can be observed. The Sub-area has historically included warehousing and industrial uses (in Maiden and St Nicholas Sts, Helen Lane, Custom House Quay and along Commercial Rd, where there were larger uses like Cosens ship repair and engineering and large timber ponds). The CA therefore gains historic value and significance from a concentration of period buildings in this sub area of the CA, the medieval/street layout and provides a repository of bygone styles, fashions, materials and townscapes.

Grade II Listed Building, Old Fish Market

14.11 An Italianate character corner building c1855, with Portland stone ashlar walls below a slate roof. The building is considered to have significance by virtue of its architectural merit and townscape value, and be a handsome building, characteristic of commercial enterprise in the earlier C19.

Important Local Building (The George PH)

14.12 The significance of this non-designated heritage asset is considered to be as an example of a late Victorian building circa 1884, exhibiting red brick walls with good quality stone detailing around the windows and doors.

Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

14.13 The conservation area appraisal sets out that there is evidence of older structures behind more modern frontages and there may be considerable potential for research to identify these and investigate building structure and archaeology.

Impact on heritage assets

Weymouth Town Centre Conservation Area

14.14 The provision of sitting out areas associated with bars and restaurants is now commonplace within the CA. The proposal is modest in scale, relatively lightweight in appearance and uses predominantly natural timber material finished in a recessive dark grey colour. As such the proposal is not considered to harm the significance of the CA.

Grade II Listed Building, Old Fish Market

14.15 The Old Fish Market building is significantly different to the application site in terms of materials and architecture and as such they are viewed as very separate character buildings. Given this difference in appearance the proposed development is not considered to detract from or harm the significance of the adjacent Old Fish Market listed building and its setting.

Important Local Buildings (The George Inn)

14.16 The proposed works are considered relatively lightweight and to a degree, reversible in nature. Given the design allows views through to the non-designated heritage asset host building, it is considered that the location can accommodate the proposal without harming the significance of the non-designated heritage asset.

Area of Archaeological Potential; Town Centre North of Harbour, Weymouth

14.17 The proposed development would not involve any below ground construction or removal or significant alteration to the existing building. As such it is not considered the proposal would harm any potential archaeology on the site.

Heritage impacts summary

14.18 The proposed development is not considered to harm any of the designated or non-designated heritage assets set out in this report and as such is considered acceptable in heritage terms.

Flood risk

14.19 The proposed development is recorded in the Weymouth Level 2 Strategic Flood Risk Assessment (SFRA) as being located within Flood zone 3b and as such is at a high risk of flooding and it forms part of the flood plain. The application is supported by a Flood Risk Assessment (FRA) dated March 2025, which sets out the site is within Flood zone 3, highlights that flood defences have been carried out in proximity to the site to reduce the risk of flooding and sets out surface water mitigation measures to address the flood risk.

14.20 In addition to being within Flood zone 3b the Environment Agency, National Flood Risk Assessment (NaFRA) mapping shows the site is at risk of 1 in 30 and 1 in 100-year risk of surface water flooding.

14.21 The SFRA shows that with an allowance for climate change the site would be at 1 in 30 and a 1 in 100-year Fluvial flood risk to a depth of 0.9m, with a 1.25 to 2.00 hazard rating and 0.2 to 0.3metres per second velocity. Furthermore, the SFRA shows the site is at Tidal flood risk and with an allowance for climate change would have 1 in 200-year risk of 0.9m water depth, the highest hazard rating of >2.0 and a velocity of 0.2 to 0.3metres per second. The EA endorsed ADEPT guidance sets out that a flood hazard rating of 0.75 is considered 'danger for some' or greater and flood hazard rating of more than 2.0 would be a 'danger for all'.

14.22 NPPF (2025) 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*".

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

14.24 The Environment Agency (EA) have been consulted on the planning application and have advised that they would not wish to object to a new outdoor seating proposal on this modest scale and at this location as proposed. The EA do not anticipate the proposals would result in a loss of floodplain storage or block water flow routes and consider it to be a very low risk proposal.

14.25 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 and there is higher ground and potential refuge from flooding on the Town Bridge approximately 110m from the site. Given the relatively close proximity to higher ground, the modest size and outdoor nature of this use (which in itself means that it's potentially unlikely to be in use in bad weather when a flood event would likely occur) and the absence of an objection from the Environment Agency it is considered that subject to a robust flood warning, emergency and escape plan the proposed development could be evacuated in response to a flood event.

14.26 Therefore, subject to a condition requiring the submission and approval of a flood warning, emergency and escape plan within one month of the decision notice being issued, the scheme is considered to be acceptable in terms of flood risk.

Economic benefits

14.27 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

14.28 The proposal would use a section of the public highway for a sitting out area linked to the existing Public House. The proposal would retain a pedestrian route approximately 2m wide on the pavement of Customs House Quay and so would allow pedestrians to pass freely and safely. The Highway Authority has no objection to the proposal and has highlighted in their response that the

proposal would be subject to the separate process of obtaining from Dorset Highways, any necessary Sitting out Licence (for table and chairs etc) and Oversailing License (for the canopy). Given the above it is considered the proposal is acceptable in terms of highway safety.

Environmental implications

14.29 The application site is entirely hardstanding and as such the development is below the de minimis threshold and exempt from Biodiversity Net Gain.

14.30 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.

14.31 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable in terms of its impact on wildlife and habitat.

Conclusion

14.32 The development has been assessed against the relevant policies of the adopted local plan and the emerging Weymouth Neighbourhood Plan 2021- 2038, the policies of the NPPF (2025 amended) and other material considerations. It has been concluded that the development would accord with the development plan and there are no material considerations indicating that permission should be refused. The recommendation has been taken in compliance with the requirement of the NPPF (2025 amended) to foster the delivery of sustainable development in a positive and proactive manner.

15. Recommendation

Grant, subject to the following conditions:

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

Dwg No.01 Rev: B – External floor plan and south elevation

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

2. Within 1 month of the date of this decision a flood warning and response plan (FWRP), which must include an emergency evacuation plan shall be submitted to the Local Planning Authority for approval. The development thereafter shall be carried out in accordance with the approved FWRP and shall be and managed and maintained in accordance with it. If the FWRP is not submitted to the Local Planning Authority within 1 month of this decision or the Local Planning Authority confirms in writing that it does not agree the FWRP within 2 months of its submission the use of the land for the purposes the subject of this planning permission shall immediately cease and shall not re-commence unless and until a FWRP has been submitted to and approved in writing by the Local Planning Authority. If the FWRP is submitted to the LPA in accordance with this condition and the LPA does not respond within 2 months of its submission, the development shall be carried out, managed and maintained in accordance with the submitted FWRP.

Reason: In order to safeguard and minimise the risk posed to the site and its users from flooding.

3. The development hereby approved shall not be used for the purposes hereby permitted outside the hours of 8:00am to 23:00 seven days of a week.

Reason: To safeguard the character and amenity of the area and living conditions of nearby residential properties.

4. The retractable canopy hereby approved shall be fully retracted when not in use and outside of the hours of 8:00am to 23:00 seven days of a week.

Reason: To preserve or enhance the character and appearance of the area.

Informatives:

Informative: National Planning Policy Framework Statement

1. In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

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

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

In this case:

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

2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Environment Agency - Environmental permit

3. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Biodiversity Net Gain

4. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

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

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

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

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

5. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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