

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).
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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).