

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

1. Reason application is going to committee:

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

2. Summary of recommendation:

Refuse listed building consent.

3. Key heritage issues

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

4. Description of site

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

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

5. Description of development

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

6. Background and relevant planning history

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

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

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

7. List of constraints

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

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

8. Consultations

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

Consultees

1. Dorset Council Conservation Officer

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

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

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

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

2. Melcombe Regis Ward Member

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

3. Weymouth Town Council

The Council supports this application and raises no objection

Representations received

Weymouth Civic Society

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

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

9. Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- ENV4: Heritage assets

Material considerations

National Planning Policy Framework 2024 (as amended 2025)

Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Emerging local plans:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

Emerging neighbourhood plan

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

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

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

- Policy W45: Heritage Assets

Other material considerations

National Planning Practice Guidance

Supplementary Planning Documents/Guidance For West Dorset re:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

11. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. Public Sector Equalities Duty

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

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

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

13. Public Benefits

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

Material considerations

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

Non material considerations

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

14. Heritage Assessment

Heritage impact

14.1 Heritage assets

- Weymouth Town Centre Conservation Area (The Esplanade sub area) (CA)
- York Buildings (Terrace) no.54, Grade II Listed Building, List Entry: 1145952 (application site)
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Significance of heritage assets

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

The significance of this part of the CA can be summarised as The Esplanade providing an important example of late Georgian town planning, related firmly to the sea and the historic uses of the late 18th and early 19th century have defined the character of The Esplanade, which has been, and continues to be, associated with visitors, entertainment, leisure and fun. As such the CA is considered to have historic, architectural and communal/social heritage significance. Furthermore, the quality of The Esplanade and its bay have been recognised and appreciated since the start of noble and royal patronage of the Georgian resort and as such is considered to have aesthetic heritage significance. The CA appraisal sets out that *“The Esplanade is of national significance in the history of the seaside resort and in terms of social history”*.

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

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

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

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

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

14.5 *Area of Archaeological Potential*

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

Impact on heritage assets

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

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

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

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

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

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

14.16 *Area of Archaeological Potential*

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

Public benefits

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

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

Heritage impacts summary

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

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

Conclusion

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

15. Recommendation

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

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