

Application Number:	P/FUL/2026/00647
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Sticks And Bones, Hope Square, Weymouth, DT4 8TR.
Proposal:	Continue use for outdoor seating area
Applicant name:	Mr Shaun Davies
Case Officer:	Robert Parr
Ward Member(s):	Cllr Webb, Cllr Sutton and Cllr Wheeler

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 in Hope Square on the south side of Weymouth Harbour and northwest of Brewers Quay. The site encompasses a hardstanding area at the front (east) of the existing 'Sticks & Bones' 'games bar' themed drinking establishment/restaurant. The northern half of the host premises is recorded as a Locally Important Building and as such is a non-designated heritage asset. The site is located within the Old Weymouth area of Weymouth Town Centre Conservation Area and the setting of the Brewers Quay Grade II Listed Building. The proposed development is existing and in use at the site.

5. Description of development

- 5.1 The proposed development is for an outdoor seating area that would include a timber lean-to shelter with undercover seating, outdoor seating and tables, timber planters and festoon lighting to the perimeter of the seating area. The proposed materials are stained timber with exterior varnish for the planters, timber and metal for the seating/tables and timber frame/barriers for the lean-to shelter, which would have a corrugated steel and polycarbonate roof.
- 5.2 The lean-to shelter would be attached to the southeast elevation of the existing host building. The planters would be spread out to form an informal boundary of the seating area which would broadly follow the Hope Square roadway on the northeast side of the site and the pedestrian footway between Hope Square and St Leonard's Road to the south of the site.
- 5.3 The proposal would 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 existing drinking establishment/restaurant.

6. Background and relevant planning history

Application no.	Proposal	Decision	Decision Date
P/PAP/2025/00504	Outside dining area with bespoke built planters shelter festoon lights & off the shelf furniture.	Response Given	24/09/2025
P/CONS/2025/00097	Sitting out licence	Response Given	08/08/2025

7. List of constraints

Weymouth Defined Development Boundary

Weymouth Town Centre Conservation Area

Grade II Listed Building, Brewers Quay, List Entry: 1142300

Important Local Buildings

Weymouth Town Centre South of Harbour Area of Archaeological Potential

Weymouth Town Centre Strategy

S33 - An Agreement has been made under Section 52 Town and Country Planning Act 1971

Natural England - RAMSAR - Distance: 2.7km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet - Distance: 2.7km

Flood Zone 3a

Risk of Surface Water Flooding Extent 1 in 30 (300 – 600mm depth with climate change)

Risk of Surface Water Flooding Extent 1 in 100 (300 – 600mm depth with climate change)

SFRA 2 Boundary

Wessex Water Treatment Works Catchment Other WRC catchments

Portland heliport consultation zone (within 13km) - Distance: 4.1km

Prison: Portland

Radon: Class: 2.0

8. Consultations

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

Consultees

1. Environment Agency (EA)

- Refer to EA Standing Advice

2. Wessex Water

- No response received

3. Highway Authority

- The Highway Authority has no objection to the proposal.
- As the seating area is on an area of Highway, the applicant is advised that it will need to be operated under licence from the highway Authority.

4. Dorset Council – Environmental Protection

- Recommend that the proposed hours of operation are made a condition of any approval, to protect the amenity of nearby residential

5. Dorset Council – Licensing

- No response received

6. Weymouth Town Council

- The Council fully supports this application, however it should be noted that the business may have to come to an agreement regarding sharing the forecourt area with any other business that opens in Brewers Quay.

7. Rodwell and Wyke Ward Member(s)

- No response received

Representations received

Cllr Alex Fuhrmann: Support - Sticks and Bones have revitalised Hope Square activity with their community engagement and willingness to offer a range of events to the community. I feel the committee would be wise to grant outdoor access and continue to allow S&B to enthuse residents.

9. Duties

Section 38(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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 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. 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

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

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

INT1 - Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV4 - Heritage

ENV5 - Flood risk

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS2 - Distribution of Development

COM7- Creating a safe & efficient transport network

ECON1 - Provision of employment

ECON4 - Town centre & retail development

Made Neighbourhood Plans

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026)

Policy W07: Rights of Way and Access to the Countryside

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 - It is considered that Policy W45 criterion 1 should be given very limited weight as it is materially inconsistent with national decision-making policies in the NPPF (2026) in respect of designated heritage assets. This is because Policy W45 states that “Development proposals must demonstrate, where relevant, that they respect, and will cause **no harm** to heritage assets and their setting” (underlining is officer emphasis for clarity) whereas Policy HE6 of the NPPF states that “Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal”. Whilst the intent of both the WNP policy and the NPPF policy is to limit harm to heritage assets the national decision-making policy does not require “no harm” to heritage assets in order for a proposal to be considered acceptable, rather it’s a case of weighing any identified harm against any public benefits resulting from the proposal.

Policy W53: Public Houses

Policy W55: Public Spaces

Material considerations

Emerging Draft Dorset Council Local Plan:

Policy DM4: Emerging development plan proposals 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in the NPPF (the closer the policies in the emerging plan to the policies of the NPPF, the greater the weight that may be given to them).

The emerging Dorset Local Plan is being prepared in accordance with plan-making processes set out in the Levelling Up and Regenerating Act 2023 and Local Planning Regulations (2026). As the plan is still at an early stage of the plan making process, limited weight can be attached to it when taking decisions on planning applications. Decisions on planning applications should continue to be assessed against the policies in adopted development plans, national planning policy and any other relevant material considerations.

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.

Local Nature Recovery Strategy

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

National Planning Policy Framework (17 August 2026)

The National Planning Policy Framework (NPPF), published on 17 August 2026, sets out the Government's national planning policies for both plan-making and decision-making in England.

When determining development proposals decision-makers are required to take a positive and proactive approach and to seek to approve sustainable development where possible.

The NPPF introduces a permanent presumption in favour of sustainable development, through Policies S3 to S5 (which replaces the former "tilted balance" contained in paragraph 11 of the previous NPPF) and sets out the principles for development within and outside settlements. The Framework also confirms that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant NPPF chapters and policies include:

- Chapter 3: Decision making policies. DM3: Determining development proposals Local planning authorities should approach decision making positively, proactively and proportionately. They should work with applicants through pre-application engagement and consultations and aim to resolve concerns through planning conditions or obligations where possible to avoid delay and to enable an approval rather than a refusal. Applications that accord with the development plan, the NPPF and other material considerations should not be refused where they can clearly be approved.
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
 - DM7 Relationship with other regulatory regimes
 - DM8 Unauthorised development and enforcement
- Chapter 4: Achieving Sustainable Development. The objective of the policies in this chapter is to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.

- S3 Presumption in favour of sustainable development
- S4 Principle of development within settlements
- Chapter 5: Meeting the challenges of climate change. Planning decisions should support climate change mitigation and adaptation, including reducing greenhouse gas emissions, increasing resilience to climate impacts and directing development away from areas at unacceptable risk from flooding.
 - CC2 Mitigation of climate change
 - CC3 Adaptation to climate change
- Chapter 7: Building a strong, effective economy. Planning decisions should enable businesses to invest, expand and adapt in a way that reflects the opportunities, challenges and characteristics of different areas, and supports long-term economic growth both locally and nationally.
 - E2 Meeting the need for business land and premises
- Chapter 8: Ensuring the vitality of town centres. The objective of the policies in this chapter is to promote the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs, in a way which reflects their locally distinctive roles and opportunities. For the purpose of this chapter 'town centres' includes city, town, district and local centres as defined in the glossary at Annex B.
 - TC2 Development in town centres
- Chapter 14: Achieving well-designed places. Development should be high quality, respect and enhance local character, deliver sustainable and attractive places, and accord with relevant design policies. Proposals that demonstrate good design and place-making should be supported, while those that fail to meet established design standards should be refused unless clearly justified.
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 15: Promoting sustainable transport. The objective of the policies in this chapter is to ensure that transport considerations are taken fully into account in the preparation of development plans and the evolution and assessment of development proposals; using a vision-led approach to embed the role that transport infrastructure and choices can play in creating well-designed, sustainable, inclusive and popular places.
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
- Chapter 17: Pollution, public protection and security. The objective of the policies in this chapter is to ensure that new development is appropriate for its location, taking into account risks posed by pollution and other hazards; that any impacts which development might have are taken into account; and that sufficient provision is made for development required for public safety and security.
 - P3 Living conditions and pollution
 - P4 Impact of development on existing activities
 - P5 Maintaining public safety and security
- Chapter 18: Managing flood risk and coastal change. Development proposals should minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate.
 - F4 Assessing flood risk for decision-making

- F5 The sequential test
- F6 Development in areas at risk of flooding from rivers or the sea
- F7 Ensuring development is safe from flooding
- Chapter 20: Conserving and enhancing the historic environment – Great weight should be given to the conservation of heritage assets. Development that preserves or enhances designated or non-designated heritage assets should be approved. While any harm must be clearly justified and weighed against the public benefits of the proposal. Proposals causing substantial harm to, or loss of, heritage assets should only be permitted in exceptional circumstances where overriding public benefits outweigh the harm.
 - HE4 Securing the conservation of heritage assets
 - HE5 Assessing effects on heritage assets
 - HE6 Proposals affecting designated heritage assets
 - HE7 Decisions on non-designated heritage assets
 - HE9 Conservation areas

Other material considerations

National Planning Practice Guidance

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

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.

- Access to the site is directly off the existing highway pavement, avoiding steps and as such the site arrangements are considered to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated.
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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 Policy S3 of the NPPF sets out that decisions on development proposals should apply a presumption in favour of sustainable development and given the proposed development is within the settlement of Weymouth, NPPF Policy S4 is applicable and sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.
- 14.3 Furthermore, given the proposal would serve and expand 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. Moreover, Paragraph 1 a) of NPPF Policy TC2 sets out that in considering proposals for development in town centres, substantial weight should be given to the benefits of supporting the overall vitality and viability of the centre and Paragraph 1 a) of NPPF Policy E2 sets out that to support business growth, substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt.

Scale, design, impact on character and appearance

- 14.4 Based on observations during the case officer site visit and the drawings submitted, the proposed lean-to shelter is considered to be subordinate in scale and proportion to the host building and does not overpower the existing building or the setting. As such the lean-to shelter is not considered to adversely impact the character of the area.
- 14.5 The wooden planters are finished in natural timber and separated by multiple access gaps between the planters, which contributes to breaking up the mass of the planters when viewed from the adjacent streetscene. Furthermore, the string bulb light hung between them are slim

in profile, when unlit 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. The detail of the external materials finished colours is not set out on the plans and as such to ensure the acceptable appearance of the development a materials condition is necessary.

- 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 drinking establishment/restaurant and as such there is potential for the noise from patrons of the premises to impact on the amenity of occupiers of nearby dwellings.
- 14.8 The residential dwellings to the north of the site are separated from the application site by virtue of the Brasserie which is located between the site and the no.9 Cove Street to the north. Furthermore, the existing host premises building separates the site from the dwellings located approximately 25m west of the site on Trinity Street. There are no existing dwellings to the immediate south or east of the site. 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 Protection have responded to the proposal and consider the hours of operation are made a condition to protect the amenity nearby residents. The application sets out that the proposed opening hours would be between 10am to midnight Monday to Saturday and 10am to 11.30pm on Sundays/Bank Holidays. Given the existing use of the site in the town centre location these opening hours are considered to be reasonable and as such are recommended to be controlled by condition.
- 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, Brewers Quay, List Entry: 1142300
- Important Local Building (*Former Methodist Chapel, 7 Cove St*)
- Area of Archaeological Potential; Town Centre South of Harbour Area, 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 "Old Weymouth (Harbour South and Hope Sq, Chapelhay and The Nothe)" 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. The CA therefore gains historic value and significance from a concentration of period buildings in this sub area of the CA, and Hope Square is considered to have a remarkably unspoilt historic townscape.

Grade II Listed Building, Brewers Quay

- 14.11 Former Brewery circa 1903-04, external walls red engineering brick with cream limestone dressings, engineering blue brick plinths, some rubble and rendered walls, slate roofs. The building is considered to have significance by virtue of its intrinsic architectural interest and form part of an outstanding group which are considered to be a vital reminder of a major industry in Weymouth for many centuries.

Important Local Building (Former Methodist Chapel, 7 Cove St)

- 14.12 This non-designated heritage asset is considered to have architectural significance as it presents a simple gabled frontage (southeast) with rendered walls and arched red brick headers over the windows/door, and red brick surrounds to the central doorway. Furthermore, the building is considered to date from circa 1851 and has historic and communal significance given its original religious use and then it appears the former chapel was used by one of the breweries, J A Devenish, as a workshop, cooperage, hop store and then repurposed in the 1990's to its current use.

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

- 14.13 The settlements of Weymouth and Melcombe Regis are considered to have origins to at least the 13th Century and as such the conservation area is considered to have considerable potential for research the archaeology of the area.

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, Brewers Quay

- 14.15 The Brewers Quay 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 and degree of separation the proposed development is not considered to detract from or harm the significance of the adjacent Brewers Quay listed building and its setting.

Important Local Building (Former Methodist Chapel, 7 Cove St)

- 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 Environment Agency (EA) new National Flood Risk Assessment (NaFRA) as being located within flood zone 3 and at a 1 in 30 and 1 in 100 year risk of surface water flooding. As the site is considered to be at a high risk of flooding. The application is supported by a Flood Risk Assessment (FRA), which incorrectly identifies the site as being within flood zone 2. Notwithstanding this error the FRA identifies other sources of flooding and puts forward mitigation and design measures to address the flood risk. The FRA provides safe access and egress information, however this is of a basic standards and is not considered to meet EA standing advice as it does not give details of flood warning and safe route of access and escape.

- 14.20 NPPF (2026) policies F5 and F6 sets out that applications for small non-residential extensions (with a footprint of less than 250m²) and changes of use should also not be subject to the sequential test or the exception test.
- 14.21 Given the proposed development is considered to be a minor development with a footprint of less than 250m² and includes a change of use of public highway for a sitting out area, the scheme is not considered to be subject to the sequential or exception tests.
- 14.22 The Environment Agency (EA) have been consulted on the planning application and refer to their standing advice. However, it is noted that the EA response to the recent and similar application, granted planning permission, at 2-4 Custom House Quay (application no. P/FUL/2025/02951) and on the north side of the harbour, the EA did not object to the outdoor seating at that location which was identified as being within flood zone 3b. Indeed, the EA did not anticipate the proposal at 2-4 Custom House Quay would result in a loss of floodplain storage or block water flow routes and considered it to be a very low risk proposal.
- 14.23 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 Herbert Place approximately 46m west from the site and on Hill Lane approximately 80m east of 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.
- 14.24 Therefore, subject to a condition requiring the submission, approval and implementation of a flood warning, emergency and escape plan, with the plan being submitted within one month of the decision notice being issued, the scheme is considered to be acceptable in terms of flood risk.

Economic benefits

- 14.25 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

- 14.26 The proposal would use a section of the public highway for a sitting out area linked to the existing Public House. NPPF Policy TR4 sets out the requirements for street design, access and parking and sets out that Manual for Streets design guidance should be used to inform how Policy TR4 is applied. Paragraph 6.3.22 of Manual for Streets sets out that the minimum unobstructed width for pedestrians should generally be 2m. The proposal would retain a pedestrian route approximately 1.8m wide on the pavement, which is slightly less than the 2m recommended by Manual for Streets. However, the site is adjacent to a pull in/drop off area for vehicles, so is not directly adjacent to the main carriageway and Cove Street is surfaced with block paving with shallow kerbing to define the separation between pedestrian and vehicular uses. The observed result of the street design is one which has an appearance and use more akin to a shared use space as opposed to a more traditional and distinct separation of pavement and carriageway. The Highway Authority has raised 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), which would fall under the Business and Planning Act 2020. Indeed, NPPF Policy DM7 sets out that decision-makers should assume, unless there is clear evidence to the contrary, that those separate regulatory regimes will operate effectively.

Therefore, given the above it is considered the proposal is acceptable in terms of highway safety.

Environmental implications

- 14.27 The application site is entirely hardstanding and as such the development is below the de minimis threshold and exempt from Biodiversity Net Gain.
- 14.28 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.
- 14.29 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

- 14.30 The development has been assessed against the relevant policies of the adopted local plan and the Weymouth Neighbourhood Plan 2021- 2038, the policies of the NPPF (2026) 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.

15 Recommendation

Grant, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan - Sticks Dwg no. b90g/uk/1387311/1858755
Planters – Dwg no. 003_DWD_SB_PLANTER_REV2 Rev: 0002
Outdoor Seating Area – Dwg no. 001_DWD_SB_OSA_PLAN (page:001 of 002) Rev: 0001
Outdoor Seating Area – Dwg no. 001_DWD_SB_OSA_PLAN (page:002 of 002) Rev: 0001
Lean To Shelter (Plan) – Dwg no. 002_DWD_SB_LEAN_TO_REV2 Rev: 0002
Lean To Shelter – Dwg no. 002_DWD_SB_LEAN_TO_REV2 (page:002 of 003) Rev: 0002
Lean To Shelter – Dwg no. 002_DWD_SB_LEAN_TO_REV2 (page:001 of 003) 0002
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 or approved following an appeal. 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 10:00am to 12am (midnight) from Monday to Saturday and the hours of 10am to 11:30pm on Sundays or Bank Holidays.

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

4. The finished external colours of the timber planters and timber frame lean-to shelter hereby approved, shall be the same or similar to the colours shown on the approved plans for the development. The finished colours shall be retained thereafter for the life of the development.

Reason: To ensure a satisfactory visual appearance of the development.

Informatives

1. Informative: National Planning Policy Framework

In accordance with policy DM3 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 was provided with pre-application advice.

2. Highways

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. The Highway Authority's operational and asset management teams consider different matters when determining licences or permissions relating to occupation of highway land, and the existence (or otherwise) of planning permission should not be interpreted as confirmation that any necessary highway licence, pavement licence, consent or agreement would be granted. Equally, the grant of planning permission should not be taken as indicating that the Highway Authority would support, or that there would be a reasonable prospect of success for, any subsequent application to stop up or extinguish highway rights pursuant to section 257 of the Town and Country Planning Act 1990 (or otherwise). Such applications are subject to their own statutory tests and procedures, and the suitability of highway land for stopping up would require separate consideration having regard to the continuing need for highway rights, the function of the route within the wider highway network, accessibility considerations, and the public interest.

3. Biodiversity Net Gain

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

- (a) 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>

4. 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.