

Application Number:	P/FUL/2026/03672
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	54-55 The Esplanade Weymouth DT4 8DG
Proposal:	Proposed canopies, planters and associated works to signage/frontage
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 harm to the heritage significance of the Listed Buildings within the application site, the Weymouth Town Centre Conservation Area and harm to the setting of the adjacent Listed Buildings. The level of harm to these designated heritage assets is not outweighed by public benefits. As such it is considered that the benefits of approving the development would be substantially outweighed by the adverse effects identified. 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 (2026) and Policies S4 and HE6 of the National Planning Policy Framework (2026) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2. The design of 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 Policy DP3 of the National Planning Policy Framework (2026).

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
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 existing outdoor seating area that covers the section of highway pavement within the application site. The existing 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 the 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 The proposed development is to replace the existing outdoor seating area with two new canopies, planters and associated signage to the frontage of 54-55 The Esplanade (The Nook Cocktail Bar) for use within the business premises. There would be two shallow pitched

retractable canopies at differing roof angles, with fixed metal support frames, and these would extend across most of the frontage of the site and be separated in the centre of the site by a slight gap. On the northeast of the site the boundary treatment of the sitting out area would consist of six, evenly spaced freestanding timber boundary planters, which would be linked by removable canvas or vinyl infill. The planters would be approximately 0.9m high, and each planter would have a square plan form. The planters would be placed onto the existing pavement with no intrusive groundworks. An access gap would be provided towards the centre of the site frontage. At the southern end of the site boundary there would be a timber clad wall approximately 1.4m in height. The proposed canopy and boundary treatments would not extend to the far north of the site to allow access to the existing door, which is intended to be retained as a fire escape. Two wall heaters are proposed that would be located on the walls in between the existing sash windows of no. 54 The Esplanade. The plans and description include signage details, however, these require a separate application for Consent to Display an Advertisement under the Town and Country Planning (Control of Advertisement) Regulations 2007 and as such have not been assessed under this application.

6. Relevant planning history

6.1 Members attention is drawn to the live applications P/FUL/2026/03357 & P/LBC/2026/03356 in relation to the adjoining Kika Beach Club premises at no.52-53 The Esplanade which propose similar canopies and associated works to the frontage, 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/LBC/2026/03671	Proposed canopies and associated works to signage/frontage	Under consideration	n/a
P/FUL/2025/01316	Retain canopies and associated works to frontage of The Nook Cocktail Club for use within the business premises	Withdrawn	28/01/2026
P/LBC/2025/01317	Retain canopies and associated works to frontage of The Nook Cocktail Club	Withdrawn	28/01/2026
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. Dorset Council Conservation Officer

Due to the bulk, scale, design, visual clutter, permanent nature and concealment of the views of the Listed buildings, the proposal would have a detrimental impact on the significance of the host Grade II Listed buildings, the setting of the neighbouring Listed buildings and the special character and local distinctiveness of the Weymouth Town Centre Conservation Area.

2. Dorset Council - Environmental Services - Food, Safety & Port Health

No response received.

3. Dorset Council - Environmental Services - Protection

No comment.

4. Dorset Council - Asset & Property

No response received.

5. Dorset Council - Highways

The proposed canopies and balustrade have been positioned at an appropriate distance from the road edge along The Esplanade, ensuring that pedestrian and vehicular movement is not impeded. There are no other changes to access arrangements or parking provision. The Highway Authority therefore has no objection to this proposal.

6. Building Control

The proposals should ensure compliance in respects of Part B (Fire Safety) of the Building Regulations

7. Dorset Police Architectural Liaison Officer

No response received.

8. Melcombe Regis Ward Member

No response received

9. Weymouth Town Council

The Council supports this application and raises no objection

Representations received

None

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

Weymouth Neighbourhood Plan 2021 to 2038 (made 29/01/2026)

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

- Policy W02: Conservation of the Natural Environment

- Policy W03: Wildlife Habitats and Areas
- Policy W05: Ecological Impact of Development
- Policy W07: Rights of Way and Access to the Countryside
- Policy W12: Riversides
- Policy W13: Panoramas, Vistas and Views
- Policy W14: Development Boundaries
- Policy W15: Extensions and Alterations
- Policy W34: Sustainable Development
- Policy W39: Weymouth Town Centre
- Policy W41: Sustainable Tourism Development
- Policy W44: Design
- Policy W45: Heritage Assets- 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 W46: Transport and Travel
- 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
 - DM7 Relationship with other regulatory regimes
- 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
 - 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– details of which are set out in section 14 below.

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).

14. Planning Assessment

Background

- 14.1 The submission of this application and the accompanying application for Listed Building Consent follows the withdrawal of applications no. P/FUL/2025/01316 and P/LBC/2025/01317 on 28 January 2026 for the retention of existing canopies and associated works to frontage of The Nook Cocktail Club. Prior to being withdrawn the applications had been recommended for refusal by the case officer as they were considered to harm designated heritage assets and the harm was not outweighed by public benefits and was without clear and convincing justification. The proposals were also

considered to be out of keeping with the heritage character of the site and the area and failed to positively preserve or enhance the unique Georgian architectural characteristics of the area. The application now under consideration proposes a revised scheme.

Principle of development

- 14.2 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.
- 14.3 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.
- 14.4 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. 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

- 14.5 Given the differing roof pitch of the proposed canopies the two structures are not considered to relate well to each other, and the design appears awkward and unresolved. This lack of coherence in design is not considered to relate to the historic Georgian character, classical influences and symmetry of the host listed buildings and The Esplanade setting.
- 14.6 The supporting Heritage and D&A Statement submitted with the application sets out that the proposals have been developed in response to this coastal, high-footfall environment, seeking to balance commercial needs with the conservation of the established seafront character and the cocktail club identity of the premises. The following points provide a summary of the justification for the design as set out in the Heritage and D&A Statement:
- Small-scale and fully reversible.
 - Interventions designed to avoid harm to historic fabric.
 - Planters are non-invasive and will not obscure architectural detailing or key sightlines along the Esplanade.
 - Material compatibility with the historic seafront context. Proposed materials include: natural-stained timber planters, muted marine-grade canopy fabric.
 - The public benefits, improved accessibility, enhanced activation of the public realm, and sustained commercial viability outweigh any very minor and localised changes to the building's setting.
 - The scale of development is modest and does not materially alter the existing building.
 - The proposals do not alter the existing scale or massing of the existing building.
 - The use of retractable canopies reduces the visual presence during periods of non-use and ensures the structure remains unobtrusive within the streetscape.

- 14.7 However, the following highlighted extract from the supporting Heritage and D&A Statement is at odds with the proposed development, which presents white/cream coloured, planters and canvas or vinyl infill on Dwg No.02.
- “Both canopy structures feature **black metal supports** to ensure visual cohesion. The surrounding metal balustrade and posts are finished in a **rusted-effect metal**, complementing the character of the building and the aesthetic of the business”.*
- The description above appears to relate to the existing development in front of the no. 54-55 The Esplanade. Given that the justification for the proposed development appears to be at least partly based on a different proposal, it is not considered the conclusions of the Heritage and D&A Statement can be fully relied upon.
- 14.8 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 not considered to be small scale and the canopies, and their support frame would be permanent additions that could be retained in perpetuity. As such the scheme is considered to significantly detract from and obscure the original building to the detriment of the existing building's appearance.
- 14.9 The proposed canopies and support frame are not considered to relate to the historic Georgian character of the host listed buildings and The Esplanade setting. Indeed, the canopy at the north of the site would directly obscure the bay window to the ground floor creating an awkward and incongruous addition.
- 14.10 Notwithstanding the classical square panelled column design of the proposed planters, the overall design outcome is a development that obscures, detracts, erodes and fails to compliment or respect the Georgian architectural character of the site and heritage character of the surrounding area.
- 14.11 Given the above, the proposed canopies and support frame are not considered respond to the context of the site or its setting, as the quality of the architecture, which is of a design appearance is not appropriate to the historic Georgian architecture of the original Listed Buildings. As such the proposed alterations and extensions are not considered to integrate with or enhance the site or their surroundings, indeed it is considered the scheme would be a detrimental addition to the site and its setting for the reasons set out above.
- 14.11 Local Plan Policy ENV12 sets out that the general design should be in harmony with the adjoining buildings and the area as a whole, should relate well to the original building and the quality of the architecture is appropriate to the type of building with particular regard to its architectural elegance, symmetry and rhythm, and richness of detail. As set out above, given the proposal is considered to detract from and obscure the original building and would not be in keeping with the Georgian architecture of the site the scheme fails to accord with Policy ENV12.
- 14.12 Neighbourhood Plan Policy W15 sets out that proposals should reflect the character of nearby buildings and their setting. Neighbourhood Plan Policy W44 sets out that proposals should demonstrate high-quality design and within conservation areas and in proximity to heritage assets, development proposals are expected to demonstrate how they will positively preserve or enhance the unique characteristics of the area. Neighbourhood Plan Policy W55 sets out that development proposals will be supported provided it is demonstrated that the proposals will enhance the character, appearance, and sense of place in their immediate locality. As set out above the proposal is not considered to be in keeping with the Georgian architecture of the site or its setting and would detract from the unique characteristics of the area. As such the scheme is not considered to accord with Neighbourhood Plan Policies W15, W44 and W55.
- 14.13 Paragraph 1 of NPPF Policy DP3 sets out that development proposals should respond to their context, so that they integrate with and enhance their surroundings. Furthermore, Paragraph 2 g. sets out that development proposals should create visually attractive,

distinctive and characterful development to establish or maintain a strong sense of place. For the reasons given above the proposal is not considered to respond, integrate or enhance its surroundings and would diminish the attractive and characterful Georgian architectural character of the site and setting. As such the proposal is not considered to accord with NPPF Policy DP3.

- 14.14 Therefore, in summary, 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 policy DP3 of the NPPF (2026).

Impact on the living conditions of the occupants and neighbouring properties

- 14.15 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.
- 14.16 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.
- 14.17 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 NPPF Policy P3 and Policy W34 of the Weymouth Neighbourhood Plan.

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)

- 14.18 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)

14.19 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)

14.20 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*".

14.21 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

14.22 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)

14.23 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 canopies and support structure is 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 harm to the significance of the CA.

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

14.24 The proposed canopies and support structures are considered to be of a modern, non-traditional design and appearance and their scale and proportions span and obscure almost the entire ground floor frontage of the designated heritage assets.

14.25 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 canopies and structures located to the front of the site, would significantly obscure and disrupt views of the ground floor of the buildings. Even when retracted, the canopy support frames would present permanent visual clutter that would diminish the appearance of the Listed Buildings. The front elevations of these buildings are considered to present historic architecture of notable merit, in particular the bow-fronted bay windows, pillared porticos, and neoclassical details of no.55 and the canopies and structures would disrupt and obscure views of the architecture diminishing the visual integrity of the Listed Buildings, thereby significantly diminishing its heritage significance.

14.26 The proposed development would span across almost the entire front of the Listed Buildings and the canopies permanent metal frames would extend a generous distance beyond the

building so that when the canopies are deployed the structure would interrupt views of the lower section of the Listed Building.

- 14.27 It is considered that the canopies and structures that make up 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.
- 14.28 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.
- 14.29 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.
- 14.30 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.
- 14.31 Given the above, the proposed development is considered to result in harm to the Listed Buildings.

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

- 14.32 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 proposed development would be positioned such that it would 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 harm to the setting of the adjacent Listed Buildings.

Area of Archaeological Potential

- 14.33 Given the site is on previously developed land and the structures are shown as surface mounted it is considered the proposal would not harm any potential below ground archaeology.

Public benefits

- 14.34 The application site operates as a drinking establishment and restaurant which is considered to have public benefits in the form of providing jobs, contributing to the economy through purchasing goods and services, paying business rates and taxes. The site also provides a venue that contributes to Weymouth Town Centres varied entertainment offering. However, any public benefits arising from the outdoor seating could be achieved through fully removable and temporary measures under the pavement licensing regime and which could be considered to be less harmful.

Heritage impacts summary

- 14.35 For the reasons set out above the proposed development is considered to result in harm to the Listed Buildings within the application site, the Weymouth Town Centre Conservation Area and harm to the setting of the adjacent Listed Buildings set out in this report.
- 14.36 Paragraph 1 of Policy HE6 of the NPPF (2026) sets out the following:
"When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation".
- 14.37 Paragraph 4 of Policy HE6 of the NPPF (2026) sets out the following:
"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".

- 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 use of the outdoor seating, 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 It is considered the proposal would result in harm to the significance of the relevant designated heritage assets set out above and the substantial harm would not be outweighed against the public benefits. Furthermore, the proposal is not considered to accord with any of the exceptions (listed from a - d) set out in Paragraph 5 of Policy HE6. Therefore, the heritage impact of the proposed development is not considered to be acceptable.
- 14.40 Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with Local Plan Policy ENV4, Neighbourhood Plan Policy W45 , Neighbourhood Plan Policy W45 (albeit only limited weight can be attached to this policy due to material inconsistency of criterion 1 of Policy W45 with Policy HE6 of the NPPF) and Policy HE6 of the NPPF (2026).

Flood risk

NPPF Sequential and Exception Test

- 14.41 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.
- 14.42 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.

National Flood Risk Assessment (NaFRA) & Site-Specific Flood Risk Assessment (FRA)

- 14.43 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 June 2026 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)

- 14.44 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.
- 14.45 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.
- 14.46 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 to and from the site appear acceptable.

Summary of flood risk

- 14.47 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

(2026). However, the proposal is located outside of the building, considered 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 and NPPF Policy F7.

Economic benefits

14.48 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

14.49 The Highway Authority has raised no objection to the proposal.

14.50 It is considered that the development would have an acceptable impact on highway safety, not impeding pedestrian movements, with sufficient 2m width pavement space available, which complies with Manual for Streets minimum guidance. Hence the development is considered to accord with Local Plan Policy COM7.

Environmental implications

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

14.52 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.

14.53 No other potential wildlife or habitat impacts were identified with the proposal.

15. Conclusion

15.1 The development would be acceptable in principle and in terms of amenity impact, flood risk, economic benefits, highway safety and environmental impacts. Whilst Policies E2 and TC2 state that substantial weight should be given to the economic benefit of proposals for commercial development and supporting the overall vitality and viability of a town centre, the design of the proposed 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.

15.2 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 harm to the significance of the designated heritage assets, and the level of harm is not outweighed by public benefits. Furthermore, it is considered that the substantial weight to be attached to the economic benefits of the proposal and its contribution to the vitality and viability of the town centre is outweighed by the harm to the character of the area and the harm to the significance of the designated heritage assets (listed buildings and Conservation Area). In reaching this conclusion regard has been had to the duties of The Planning (Listed Buildings and Conservation Areas) Act 1990.

15.3 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 Weymouth

Neighbourhood Plan 2021 – 2038 and the National Planning Policy Framework (2026) 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 harm to the heritage significance of the Listed Buildings within the application site, the Weymouth Town Centre Conservation Area and harm to the setting of the adjacent Listed Buildings. The level of harm to these designated heritage assets is not outweighed by public benefits. As such it is considered that the benefits of approving the development would be substantially outweighed by the adverse effects identified. 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 (2026) and Policies S4 and HE6 of the National Planning Policy Framework (2026) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
1. The design of 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 Policies S4 and DP3 of the National Planning Policy Framework (2026).