

Application Number:	P/LBC/2026/03671
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	54-55 The Esplanade Weymouth DT4 8DG
Proposal:	Proposed canopies 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 listed building consent for the following reason:

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. 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, Policy 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.

3. Key heritage issues

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

4. Description of site

- 4.1 The application site is located fronting onto The Esplanade in Weymouth Town Centre and is approximately 20m southeast of the highway junction with New Street. This is a secondary shopping frontage area of Weymouth's Esplanade which is predominantly characterised by the historic Georgian period seafront. The application site comprises of the two existing mid terrace Grade II listed buildings 'York Buildings (Terrace) no.54 and 55 The Esplanade and a section of the highway pavement. The section of highway pavement within the application site spans the entire front of the existing buildings and extends out to encompass approximately 3m of the pavement to the northeast, leaving a strip of pavement approximately 2.3m in width.
- 4.2 The existing buildings are in use as The Nook Cocktail Club drinking establishment, and this use extends outside of the building with an 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 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 height, 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. Background and 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/FUL/2026/03672	Proposed canopies, planters 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

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

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

8. Consultations

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

Consultees

1. Dorset Council Conservation Officer

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. effect on the character and appearance of the Weymouth Conservation Area outweigh any potential benefits.

2. Melcombe Regis Ward Member

No response received.

3. Weymouth Town Council

The Council supports this application and raises no objection.

Representations received

Weymouth Civic Society

We are pleased to support this application. The proposed canopies and planters represent a significant visual improvement, detracting far less from the character of these historic Georgian buildings than both the existing structures and previous proposals.

Furthermore, we welcome the alignment between these plans and the approved proposals for 52-53 The Esplanade. We strongly encourage the Council to promote a similar architectural style among neighbouring businesses along this section of the Esplanade to ensure visual consistency.

9. Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses when considering whether to grant listed building consent.

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

10. Relevant policies

Development plan

In this case the development plan comprises:

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

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

- ENV4: Heritage assets

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

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

- 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.

Material considerations

National Planning Policy Framework (17 August 2026)

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

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.

Other material considerations

National Planning Practice Guidance

Supplementary Planning Documents/Guidance For West Dorset re:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

11. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

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

12. Public Sector Equalities Duty

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

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

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

13. Public Benefits

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

Material considerations

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

Non material considerations

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

14. Heritage Assessment

Heritage impact

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)

- 14.1 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)

- 14.2 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)

- 14.3 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”*.
- 14.4 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

- 14.5 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)

- 14.6 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)

- 14.7 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.
- 14.8 It is considered the development appears as visual clutter that is discordant in design to the heritage setting and adversely alters, disrupts and erodes the setting of the designated heritage assets. Moreover, the 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.
- 14.9 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.
- 14.10 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.
- 14.11 The CA appraisal sets out in its conclusion that less clutter would be an enhancement of the CA and as such given the cluttered appearance of the proposed development, the scheme is not considered to conserve or enhance the significance of the heritage assets.
- 14.12 Given the proposed development would significantly and uncharacteristically alter the setting of the Grade II Listed Buildings the proposal is considered to harm the heritage significance of both the site and its setting.
- 14.13 It is observed that some neighbouring buildings have similar external areas. However, each application is determined on its own merits and for the reasons set out above, this scheme is not considered to conserve or enhance the heritage assets.
- 14.14 Given the above, the proposed development is considered to result in harm to the Listed Buildings.

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

- 14.15 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

- 14.16 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

- 14.17 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

- 14.18 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.

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".

- 14.19 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".

- 14.20 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.

- 14.21 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

- 14.22 Therefore, the proposed development is unacceptable in terms of heritage impact and fails to accord with Local Plan Policy ENV4, 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), Policy HE6 of the NPPF (2026) and the Local Planning Authority duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

15. Conclusion

- 15.1 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 designated heritage assets, and the level of harm is not outweighed by public benefits.
- 15.2 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.
- 15.3 Furthermore, the proposal fails to preserve the special architectural and historic interest of the listed buildings and their setting and as such does not accord with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15.4 Given the above, the application is recommended for refusal.

16. Recommendation

Refuse listed building consent 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. 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, Policy 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.