

Application Number:	P/FUL/2024/02833		
Webpage:	Planning application: P/FUL/2024/02833 - dorsetforyou.com		
Site address:	The Weld Estate Lulworth Cove Main Road West Lulworth Wareham BH20 5RL		
Proposal:	Demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder		
Applicant name:	On behalf of Lulworth Estate Trustees Ltd and Weld		
Case Officer:	Emma Macdonald		
Ward Member(s):	Cllr Beddow and Cllr Baker		
Publicity expiry date:	5 November 2024	Officer site visit date:	5 June 2024 and 19 September 2024
Decision due date:	19 December 2024	Ext(s) of time:	19 December 2024
No of Site Notices:	3		
SN displayed reasoning:	Two notices at the site and a third by the beach cafe		

1.0 The application comes before committee for decision at the request of the Chair of the Planning Committee.

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions set out in section 18.

3.0 Reason for the recommendation: as set out in paras 16 and 17 of this report and summarised as follows

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design, scale and general visual impact including impact on the West Lulworth Conservation Area, and wider Dorset National Landscape (formerly AONB) and the Jurassic Coast.
- The proposal will support the visitor economy, offer an additional community facility and provide local economic benefits.

- There is not considered to be any significant harm to residential amenity.
- In terms of coastal change, for a temporary period of three years, the risk to users and members of the public from the proposed development in its amended location is considered acceptable.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – generally in accordance with Policy EE4 ‘Supporting vibrant and attractive tourism and Policy I7 ‘Community facilities and services’ and the NPPF which provides support for rural tourism.
Impact on the character of the area, Conservation Area, Heritage Assets, Dorset National Landscape and World Heritage Site	Acceptable - the scale, design and external appearance of the proposed sauna building is considered acceptable in this setting. The proposal will not have any significant demonstrable adverse impacts on the landscape character of the Dorset National Landscape, World Heritage and will avoid harm to the West Lulworth Conservation Area.
Coastal Change	Acceptable – subject to conditions, and for a temporary period, the risk to users and members of the public is considered low and therefore the proposal is considered acceptable.
Impact on amenity	Acceptable - given its siting, away from residential dwellings it is not considered that there will be any significant impacts on residential amenity from the proposal.
Biodiversity	Acceptable – given the proposed location of the sauna on an existing concrete plinth the proposal is acceptable subject to conditions related to the cliff vegetation.

5.0 Description of Site

- 5.1 The application site is located on the beach front at Lulworth Cove approximately 500m (as the crow flies) to the South of West Lulworth. The site comprises of an elevated concrete and masonry plinth on which currently sits a metal clad storage building understood to be used to store fishing equipment.
- 5.2 There is a vegetated cliff adjacent to the northern boundary of the site with the beach immediately to the south. To the west is an assortment of commercial buildings with the beach continuing around the cove to the east.

- 5.3 The site sits within the Dorset National Landscape (formerly AONB), West Lulworth Conservation Area and the Dorset and East Devon Coast World Heritage site.

6.0 Description of Development

- 6.1 Planning permission was originally sought to remove the existing storage building and replace it with a saltwater sauna on the existing concrete and masonry plinth, in the same location as the removed building. However, this has been amended during the application process to re-position the proposed sauna building on a lower portion of the existing plinth where there is less danger of coastal erosion.
- 6.2 The sauna is proposed to be constructed offsite as a modular unit which will be positioned on-site. The sauna is proposed to be finished externally with black vertical timber cladding to both the walls and roof. The fenestration arrangement comprises one window to the southeast facing elevation to provide scenic views across Lulworth Cove. The external measurements of the sauna will be slightly smaller than the existing structure.

All measurements approx.	Existing building	Proposed sauna building	Difference
Internal area	14.6sqm	11sqm	-3.6
Width	5.1m	4.8m	-0.2m
Depth	2.9m	2.3m	-0.6m
Height	2.9m	2.8m	-0.1m

- 6.3 Alongside the sauna, it is proposed to construct a small log store measuring 1.6m by 0.6m with a height of 1m. Ladder access to the plinth will also be installed. In response to concerns about coastal stability (see below for details) details of the foundation slab have been provided and a retaining wall at a height of 500mm is proposed.

7.0 Relevant Planning History

None relevant

8.0 List of Constraints

Application is within West Lulworth Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Dorset National Landscape (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Heritage Coast

Eastern Area Planning Committee
18 December 2024

World Heritage Site: Dorset and East Devon Coast

Isle of Portland Special Areas of Conservation;

Purbeck Heritage Coast, Description

Nutrient Catchment Areas

Right of Way: Footpath SE26/15; - Distance: 7.23

Existing ecological network

Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4554.18

Special Area of Conservation (SAC) (20m buffer): Studland to Portland (UK0030382); - Distance: 17.98

Wildlife Present: bird ; - Distance: 2.87

Wildlife Present: S41 - insect - butterfly ; - Distance: 2.87

Site of Special Scientific Interest (SSSI) impact risk zone

DESI - Scheduled Monument: Bindon Hill camp (List Entry: 1002705.0); - Distance: 117.21

Radon: Class: Class 3: 3 - 5%

9.0 Consultations

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

Consultees

1. Natural England

No objection, on the basis that the concrete plinth which is within a number of specially protected sites will not be increased in its surface area as part of this proposal.

2. Jurassic Coast Trust

The impacts to the outstanding universal value and setting of the World Heritage Site (WHS) arising from this development would be negligible and the sauna would improve the presentation of the WHS and provide a means for people to make better use of the Jurassic Coast to support wellbeing.

The foreshore position of the proposal makes it highly vulnerable to coastal change, making the long-term sustainability of the site questionable.

Support, subject to a temporary consent, which can be reviewed at future intervals to account for changes to the beach, state of repair of the concrete plinth and the effectiveness of the retaining wall. A repair and recovery strategy should be prepared that addresses the possibility of catastrophic damage caused by major storm events or significant cliff failures. This should ideally include an exit strategy for the

dismantling and removal of the sauna building should its location become unviable. This would avoid a reversion back to a circumstance where a disused / derelict building is left on that site.

Re-consultation on amended plans – No further comments received

3. Dorset Council - Conservation Officers

No objection in principle on heritage grounds. Recommend a temporary consent to enable the condition of the sauna to be monitored.

Re-consultation on amended plans

I note that the revised drawings do not show a boundary treatment or handrail. As mentioned in my previous comments there is a distinct level difference between the proposed sauna and the beach and if such a structure was required then depending on its appearance and extent this could result in the development being more apparent and visually intrusive.

As highlighted in my previous comments the existing shack is very understated, with all commercial activity being focused around the steps down to the beach and not intruding into this area of the cove. It is therefore essential that the new use does not expand or attract additional paraphernalia or clutter (e.g. seating, tables, umbrellas, signage etc) which would detract from the natural beauty of the cove. I note that the new location, and demolition of the previous structure, would leave a large flat area. We would therefore wish to be reassured that this would not be incorporated and utilised as part of the proposed use since this would obviously result in a greater visual impact and encroachment into the cove.

In view of the extremely exposed position, and that the sauna would be constructed of vertical timber cladding which will deteriorate over time, if you are minded to support the current application I would recommend a temporary consent to enable its condition to be monitored.

4. Dorset Council - Building Control East Team

Should the structure not be exempt from Building Regulations 2010. Please apply for an application at the below address.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/applications>

5. Dorset Council - Coastal risk management

Concerns were originally raised regarding the risks associated from the stability of the slope. However, following the provision of further information the Coastal Risk Management Team support the proposal. Conditions are recommended.

6. West Lulworth Parish Council

No objection to the principle of a sauna in the lower Cove area, however the proposed siting is considered to be unacceptable due to the stability of the cliff and engineering work required.

Solar panels are suggested but it is unclear what purpose they serve and are considered unnecessary, with potential for harmful glare. (received 28/06/24)

Re-consultation on amended plans

There are no objections to the principle of having a sauna in the Lower Cove area, however the proposed siting is considered to be unacceptable. Many residents also queried why this is even being considered given the instability of the cliff right the way around the Cove and particularly in view of the fact that access to the South West Coast path has been removed due to ongoing cliff slippage immediately above the proposed site. It seems sensible to move the proposed sauna to a place where there doesn't have to be risk mitigation. Saunas are not part of the unique heritage of the Cove and are not in any way similar to the bucket and spade shops and ice cream outlets normally found in British coastal areas. (received 04/10/24)

7. Ward Councillor Cllr Mike Baker (received 20/06/24 and 18/09/24)

Given the amount of interest and objection from the parish council, suggest this goes to the Planning Committee (especially if likely to be approved otherwise).

8. Ward Councillor Cllr Beddow (18/09/24)

Echo Cllr Bakers request that the application goes to the planning committee

Representations received

Total - Objections	Total - No Objections	Total - Comments
Original plans		
18	79	97
Re-consultation on amended plans		
18	4	22

Summary of objections:

- Safety risk from cliff erosion
- Site has become too commercial
- Concern for the development within a currently undeveloped area
- Site is outside the settlement boundary, in open countryside
- Would set a precedent for incremental spread of commercialism and demands for outside lighting

- Design and appearance of the proposed sauna building
- Visual impacts/impact on WHS/AONB
- Impact on dark skies
- Existing structure should be removed and not replaced.
- Impact on local roads/car parking
- Smoke from the chimney/air quality impacts
- Impact on biodiversity
- Public toilet provision would be necessary
- Impact on wooden bollard/groyne structure

Summary of supporting representations:

- Encourage much needed tourism
- Sustainable tourism
- Community & Economic benefits
- No threat to the WHS
- Physical/mental wellness/health benefits
- Visual improvement
- Small and discrete design which won't impact on its surroundings

10.0 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 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.

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

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

- V1: Spatial strategy for sustainable communities
- E1: Landscape
- E2: Historic environment
- E4: Assessing flood risk
- E6: Coastal change management areas
- E8: Dorset heathlands
- E10: Biodiversity and geodiversity

E12: Design
I2: Improving accessibility and transport
I7: Community facilities and services
EE4: Supporting vibrant and attractive tourism

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

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

The draft Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed beautiful new

buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

West Lulworth Conservation Area Appraisal

Jurassic Coast Partnership Plan 2020-2025 - policies R1, CSS5 and W1

12.0 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.

13.0 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.

No arrangements have been made to accommodate people with mobility impairments and given the nature of the location this would be difficult to achieve without substantial additional development. However, the nature of the proposal may have a positive impact on user’s health and wellbeing.

14.0 Financial benefits

The provision of 1 additional job likely to be created
Economic benefits to the local area from users of the facility

15.0 Environmental Implications

No significant implications have been identified – all requirements for electricity will be supplied by a solar panel on the roof. Biodiversity enhancement to be secured.

16.0 Planning Assessment

The principle of development

- 16.1 The application site lies outside of the settlement boundary.
- 16.2 Policy EE4 ‘Supporting vibrant and attractive tourism’ of the Local Plan supports the development of opportunities to enhance the visitor economy where they are of a scale, type and appearance to the locality and provide local economic benefits. Further consideration is given below regarding the impact of the proposal on the character of the area, but officers consider that the proposal would provide economic benefits, in accordance with this policy.
- 16.3 Policy I7 ‘Community facilities and services’ allows for new facilities outside of settlement boundaries subject to a series of criteria. The policy requires that the proposed use cannot reasonably be met within a settlement, and the facility:
- meets an identified local need; and

- where appropriate is located close to a settlement in an accessible location and
- its impact on landscape, environment and local character is minimised.

- 16.4 The application site is approximately 70m south of the settlement boundary but given the nature of the proposed sauna, officers consider that it is appropriately placed to be accessed from the settlement. The positioning of the sauna near to the sea is also part of the overall experience known as 'Contrast Therapy', involving the sauna followed by a cold-water dip. Although there is no specific identified need for this type of facility, officers consider that it would provide benefits to the area and significant support has been demonstrated through representations to this planning application. The proposed location is relatively close to the settlement and public transport options are available, albeit limited.
- 16.5 However, officers also note the objections raised to the proposed facility in this location. Objections are considered further within this report.
- 16.6 Like policy I7, the support provided by paragraph 88 of the NPPF for sustainable rural tourism, requires that development should respect the character of the countryside. The impact on the landscape is fully considered below.
- 16.7 Overall, officers consider that the principle of development is generally in accordance with the adopted Local Plan and the NPPF and can be supported, subject to consideration of material considerations, in particular the impact on the character of the area and representations received. These matters are considered in the sections that follow.

Impact on the character of the area, Conservation Area, Heritage Assets, Dorset National Landscape and World Heritage Site

- 16.8 The application site lies in a prominent and sensitive location within the Dorset National Landscape (formerly AONB) and the Purbeck Heritage Coast and is part of the Jurassic Coast World Heritage Site. The site also lies within the West Lulworth Conservation Area.
- 16.9 Chapter 15 of the National Planning Policy Framework (NPPF) seeks to ensure that decisions contribute to and enhance the environment. Paragraph 182 requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the AONB. The NPPF requires that the scale and extent of development should be limited within the designated area. Within the Heritage Coast, paragraph 184, requires decisions to be consistent with the special character of the area. Chapter 16 of the NPPF affords great weight to designated heritage assets and their conservation.
- 16.10 Policy E1 'Landscape' of the Purbeck Local Plan attaches great weight to conserving and enhancing landscape and scenic beauty in the Dorset National Landscape, with the scale and extent of development being limited. Development will only be

permitted in the Dorset National Landscape where the proposals would conserve and enhance the natural beauty of the area and where it is appropriate in terms of appearance and scale. It should also be appropriate in terms of other effects on landscape character and visual quality (such as noise, light and traffic).

- 16.11 Policy E2 'Historic Environment' of the Purbeck Local Plan affords great weight to protecting and enhancing heritage assets and their settings.
- 16.12 Policy E12 'Design' expects proposals to demonstrate high quality of design that positively integrates with their surroundings amongst other things. Poorly designed development which harms landscape character and fails to take the opportunities to improve landscape character shall be refused.
- 16.13 Dorset Council's Conservation Officer has been consulted on this application. The Character Appraisal (dated October 2015) for the conservation area (Zone 2) notes that:
- 'The most significant open space defined by, if not contained within, the conservation area is that of the Cove itself ... enclosed by the dramatic sculptural form of the cliffs. This is one of highlights of the World Heritage Site and demonstrates the physical and visual qualities of the geology for which the coast has been designated. The quality of this space is compromised to some extent by concrete defences and the remains of collapsed buildings – the loss of which has nonetheless reduced a source of more substantial visual intrusion. The nestled position of the surviving (disused) boat house however has subtle scenic quality, recalling the functional role of the Cove and its historic relationship with the village. This is still evidenced by fishing boats, and a clutter of associated equipment' (para 62).*
- 16.14 The accompanying Conservation Area Quality Map 3 also identifies the presence of structures in the location of the application site which it notes as having a negative impact. The condition of the metal shack and concrete plinth have clearly continued to deteriorate in the intervening time. As such, Dorset Council's Conservation Officer has no objection in principle to the demolition of the existing structure.
- 16.15 With regards to its replacement, within an extremely sensitive location, the Conservation Officer considers that it would ideally be preferable if no buildings or structures interrupted the dramatic beauty of the surrounding cliffs. However, it is recognised that structures have been located in this vicinity for many years as demonstrated by the OS map from 1888 at paragraph 6.40 of the submitted Planning Statement.
- 16.16 Furthermore, the proposed new sauna is of a similar size and form to the existing structure and would visually be an improvement on the dilapidated storage shed that currently stands. As such it would be difficult to argue that the current application would cause greater harm to the character and appearance of the conservation area than the existing situation. This being the case the Conservation Officer does not

consider that the proposal will give rise to harm to the Conservation Area and has raised no objection in principle on heritage grounds.

- 16.17 However, the existing shack is very understated, with all commercial activity being focused around the steps down to the beach and not intruding into this area of the cove. It is therefore essential that in order to avoid harm, the new use does not expand or attract additional paraphernalia or clutter (e.g. seating, tables, umbrellas, signage etc) which would detract from the natural beauty of the cove. The site plan is modest in scale and paraphernalia can be controlled by condition (no. 11).
- 16.18 In view of the extremely exposed position, and that the sauna would be constructed of vertical timber cladding which will deteriorate over time, the Conservation Officer has recommended that only a temporary consent should be granted to enable its condition and associated visual impact to be monitored.
- 16.19 Dorset Council's Conservation Officer was consulted on further iterations of this proposal raising no additional concerns.
- 16.20 The Jurassic Coast Trust has also commented on this application. The Trust is in general agreement with the Conservation Officer considering that the impact on the setting of the World Heritage Site (WHS) would be negligible, improving the presentation of the WHS and providing a means for people to make better use of the Jurassic Coast to support well-being in accordance with the Jurassic Coast Partnership Plan. However, the Trust highlighted the highly vulnerable foreshore position of the proposal to coastal change and questioned the long-term sustainability of the development site and need for additional protection due to damage or threat of damage from coastal erosion. This matter will be considered further below. Overall, the Trust supports the application for a temporary period to allow the sustainability of this location to be reviewed.
- 16.21 The Jurassic Coast Trust recommended that a repair and recovery strategy is conditioned for the sauna building that addresses the possibility of catastrophic damage caused by major storm events or significant cliff failures. This would avoid a reversion back to a circumstance where a disused/derelict building is left on the site. This could be conditioned, should the proposal be otherwise acceptable (no. 12).
- 16.22 Third party objections have been received to the proposal's impact on the character of the area. Concerns have been raised regarding the visual impact on the sauna building and the commercialisation of this part of the cove, which is otherwise undeveloped. However, representations in support have also been received noting that due to the nature and scale of the proposal it would not pose a threat to the character of the area. Others considered that the proposal represents a visual improvement on the existing situation.
- 16.23 Concerns have also been raised regarding the impact of lighting from the proposed building on the intrinsically dark landscape. The supporting statement confirms that

no external lighting is proposed. However, it is reasonable and necessary to condition this to ensure impacts are minimised (condition 7).

- 16.24 The Conservation Officer queried the need for additional perimeter treatment in the form of handrails etc as any further structures could result in the development being more apparent and visually intrusive. This matter was discussed on site with the agent confirming that no further handrails etc would be required. An application to building control would be necessary prior to development, this would address safety issues and any further alterations to the design of the sauna and its surrounds would require planning permission, this will ensure sufficient control regarding the visual appearance of the building (condition 11).
- 16.25 Officers note that the Ecological Impact Assessment requires mitigation in the form of fencing along the northwestern boundary to provide protection to the existing vegetation. This would be a simple post and rail fence, or similar which officers consider would be sympathetic to its setting, it would also be located to the rear of the sauna building minimising its impact on the character of the area to an acceptable level.
- 16.26 The retaining wall is proposed to be faced with stone detailing, laid in a lime mortar mix. Officers consider that this would be in keeping with walling within the locality of the site, however given the sensitivity of the area, it is reasonable to condition the proposed materials to ensure that they match existing Purbeck Stone walls found locally (condition 5).
- 16.27 The planning statement includes reference to a solar photovoltaic (PV) panel mounted to the roof of the sauna. No details of the solar panel have been provided, it is reasonable to require details to be submitted to ensure that the solar panel is of a sensitive design and positioning so to minimise glare in this sensitive area (condition 6).
- 16.28 Officers have considered the single storey scale and nature of the proposal and its positioning on an existing concrete plinth within Lulworth Cove. It is considered that the removal of an existing dilapidated building and erection of the proposed sauna building of modest scale, simple design and appropriate materials will preserve and enhance the character and appearance of the area. Given the scale of the proposal, no harm has been identified to the landscape and scenic beauty of the Dorset National Landscape, Heritage Coast or the Conservation area in accordance with the NPPF at this present time. Notwithstanding this, officers consider that permission should be granted for a temporary period of 3 years to enable the sustainability of the location and the appearance and condition of the structure to be monitored and controlled. It is also considered reasonable to include conditions requiring the land to be restored following removal of the sauna (condition 1).
- 16.29 Overall, the scale, design and external appearance of the proposal is considered to be acceptable within this setting. Officers consider that the proposal would positively

integrate with its surroundings in accordance with paragraph 130 of the NPPF and Policy E12 'Design' of the Purbeck Local Plan. Furthermore, officers do not consider that the proposal will have any significant demonstrable adverse impacts on the landscape character of the Dorset National Landscape, or World Heritage Site in accordance with Policy E1 'Landscape' and will avoid harm to the Conservation Area in accordance with Policy E2 'Historic Environment' of the Local Plan and the NPPF.

Coastal change

- 16.30 The site lies within the Coastal Change Management Area where Policy E6 'Coastal change management areas' of the Local Plan requires proposals to be supported by a vulnerability assessment. The site is located within an area deemed as 'No Active Intervention' on the Shoreline Management Plan (SMP16), although it is suggested that maintenance of existing structures would be acceptable.
- 16.31 The Coastal Management Team has agreed with the findings of the site inspection submitted to support the original application which covers the existing structures providing details of how the cliff system works. The report states that the existing concrete and masonry plinth has prevented marine erosion that would have exacerbated land instability along the cliff face without it. However, instability is present, and the existing shed building appears to have been impacted by rock falls in the past. Although major landslides may not have happened in the immediate vicinity, this does not mean that this could not happen in the future. In terms of instability, the report states that the cliff face is likely to be steeper than the theoretical angle of stability which could lead to periods of instability, mainly due to the effects of high rainfall.
- 16.32 In response to advice from the Council's Coastal Risk Management team an updated Slope Stability Assessment and a Risk Management Plan were received and amended plans have repositioned the proposed sauna on the lower portion of the plinth where the cliff slope face is lower.
- 16.33 The Slope Stability Assessment concludes that the coastline to the north of the originally proposed sauna location has evidence of active and ongoing coastal erosion of the sea cliffs from wind, rain and tidal action. This will lead to the sea cliffs becoming over-steepened with subsequent collapse of the rock and superficial deposits within the slope face. This mechanism for erosion has likely resulted in the recorded historic incidents of landslide and slope collapse that have occurred within the sea cliffs to the north of the proposed sauna location.
- 16.34 However, the assessment stated that the amended site of the proposed sauna location is at significantly lesser risk when compared to the cliffs to the rear of the tin shed (the original proposed location for the sauna building) and the adjacent sea cliffs further north around Lulworth Cove. This is because the sea cliffs are at a reduced height and reduced slope gradient. The base of the sea cliffs are also protected from waves or tidal erosion zone by the presence of the existing concrete

plinth foundation. The concrete plinth foundation also acts as substantial mass and 'toe weight' present at the base of the slope, which is effective in retarding and preventing rotation movement of material within the slope and collapse of material from the slope face.

- 16.35 The assessment recognises that there is a mechanism in place whereby erosion of the slope face may occur which may result in slope face instability and possible collapse. Therefore, the risk to the site is considered as Low to Moderate. The assessment includes a series of recommendations dealing with the slope face retention of vegetation, the concrete plinth and a new retaining wall at the base of the slope that the Coastal Risk Management team has confirmed should be adopted as part of the risk management of the site.
- 16.36 A risk management plan was also submitted to support this proposal, with the aim of managing and mitigating the risks associated with the geotechnical stability of the slope face to the rear of the proposed sauna building. If the precautions and controls listed in the Risk Management Plan are adopted and followed, the subsequent residual risk of any ground movement or slope instability of sufficient size and extent to present a risk to the proposed sauna development / or any site users was concluded, by the assessment, as being acceptably Low.
- 16.37 The Coastal Risk Management Team provided further comments on the revised location of the sauna building and further information submitted. Overall, the Coastal Risk Team has agreed that the revised location would give rise to a low to medium risk, but with the recommendations incorporated into the scheme it could be considered to be acceptably low. Further details were requested to ensure land instability is not compromised. The need for a time limited permission was re-iterated.
- 16.38 In order to clarify the extent of the work and potential need for associated remedial works, a structural survey of the plinth, and structural calculations were submitted during the application process along with a further plan which incorporated a retaining wall to the rear of the proposed sauna building and upgrades to the foundation of the plinth.
- 16.39 Having considered all the supporting information, the Coastal Risk Management Team is able to support the proposal, subject to conditions (no. 3, 4 and 9). The recommendations from the geotechnical assessments undertaken previously have now been incorporated into the proposal and the risk to users and members of the public can now be considered low and manageable.
- 16.40 Vegetation is to generally be retained to bind the face of the ground together, but large trees and shrubs are to be cut down to ground level, with their stump and root system retained to continue to bind the ground surface together.

- 16.41 Dorset Council's Coastal Risk Engineer has advised that daily inspections should be performed to ensure that the stability of the slope is sound. Annual inspections by a qualified professional are also recommended as per the report by Vertical Technology, dated 5 July 2023. It is advised that these inspections could then serve as evidence for renewal of planning consent. Furthermore, any excavations would have to be carefully managed and monitored. It is reasonable to condition the submission of a method statement and risk assessment. Contractors must be informed of the existing risks and mitigation implemented as part of their works. The Coastal Risk Engineer has also recommended excavation works do not take place after periods of heavy rain to avoid disturbance of an oversaturated slope. This should be included within the submitted method statement/risk assessment.
- 16.42 The original application was for a permanent facility, however in light of the position of the proposed building and comments from consultees the applicant/agent has confirmed a willingness to accept a temporary three-year consent. This will allow the sustainability of this location to be regularly reviewed to ensure that the proposal remains appropriate within its context and to enable the building and the site's overall condition to be monitored.
- 16.43 Overall, officers consider that subject to conditions and for a temporary period of three years the risk to users and members of the public from the proposed development is considered low and therefore acceptable.

Impact on amenity

- 16.44 Given its siting, away from residential dwellings it is not considered that there will be any significant impacts on residential amenity in accordance with Policy E12 'Design' of the emerging Local Plan.

Biodiversity

- 16.45 Natural England have been consulted on this application and have confirmed that they have no objection to the proposal on the basis that the surface area of the existing concrete plinth is not increased.
- 16.46 An Ecological Impact Assessment dated May 2024 and NET signed Certificate of Approval are submitted to support this application. Although the location of the sauna building has since been amended, NET have confirmed that the assessment was broad enough, covering the entire plinth area and therefore remains valid.
- 16.47 A series of mitigation measures are recommended due to the sites potential to impact on the cliff vegetation. It is reasonable to condition the recommended mitigation and enhancement measures set out in this document, in accordance with the local plan and the NPPF (condition 10).

- 16.48 One of the recommended enhancements is the display of informative signs. This signage should be contained to the walls of the sauna building to avoid additional clutter in this sensitive area.

Other matters

- 16.49 Concerns were raised regarding additional visitors to Lulworth Cove as a result of this proposal. It is understood that the sauna can accommodate up to 8 people per session. People will usually book onto a private or communal session for various durations up to 2 hours. Whilst it is acknowledged that the sauna may result in some additional visitors to Lulworth Cove, given the nature and scale of the proposal this is unlikely to result in significant numbers.
- 16.50 Officers do not consider that the proposal will result in unacceptable traffic impacts and sufficient car parking is available in the area for users of the sauna building in the main Lulworth Car Park.
- 16.51 A representation was received concerned that the proposal would require toilet facilities. The agent has confirmed that the sauna facility will work with the Lulworth Beach Hotel situated on Main Road so that users of the sauna will be able to use the hotel's amenities.
- 16.52 Concerns have been raised regarding the opening times of the sauna building and the potential for disturbance to the tranquillity of the cove area. Opening times are proposed to vary during the year, as set out below. Officers consider that given the low-key nature and scale of the proposed sauna facility these opening times are acceptable and should not have a demonstrable impact on other users of the cove (conditions 13 and 14).

September – March: 06:30-17:00

April – June: 06:30-19:30

July-August: 06:30-11:30 & 17:30- 22:30

- 16.53 The Parish Council have queried the purpose of the solar panels. The planning statement confirms electricity will be provided by a solar photovoltaic (PV) panel mounted to the roof. Officers consider that the solar panels will provide the businesses electrical requirements, from a renewable source. No external lighting is proposed. This is considered acceptable.
- 16.54 Smoke from the wood burner has been raised as a concern. Officers consider that, given the nature and scale of the proposal this should not result in a significant impact to warrant refusal of this application.
- 16.55 Concerns have been raised regarding an existing wooden bollard (marked groyne on the submitted plans) which lies between the sauna and proposed log store. The submitted foundation plan includes measures to retain and protect its base. This is considered acceptable.

- 16.56 In relation to the letters of support, there is a significant level of support for the business in terms of the benefits to health and wellbeing of this recreational facility and the contribution it will make to the local economy. The Jurassic Coast Trust, in their response, also highlighted that the facility would provide a means for people to make better use of the Jurassic Coast to support well-being in accordance with Policy W1 of the Jurassic Coast Partnership Plan 2020-2025.

17.0 Conclusion

On the basis of the amended plans submitted and subject to conditions, officers consider that the proposed sauna building is of an appropriate scale and design which will support the visitor economy, offer an additional community facility and provide local economic benefits. The proposal is therefore considered to be in accordance with Policy EE4 'Supporting vibrant and attractive tourism', Policy I7 'Community facilities and services' Policy E12 'Design', Policy E1 'Landscape', and E2 'Historic Environment' and E6 'Coastal Change Management Areas' of the Purbeck Local Plan and the NPPF.

18.0 Recommendation

Grant, subject to the following conditions:

1. The use hereby approved shall cease and the building hereby permitted together with any associated structures and works (including the retaining wall) shall be removed and the land restored to its former condition on or before 19 December 2027 or 3 years following substantial completion of the building provided that evidence of the substantial completion is submitted in writing to the Local Planning Authority. The land should be restored in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To reserve to the Local Planning Authority control over the long term use of the land where a permanent development may not be considered acceptable and to enable the ongoing monitoring of the condition/appearance of the building and coastal recession/instability issues and to ensure safety of users of the sauna and visual amenity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan (rev A)

Existing & Proposed Floor Plan

Proposed Elevations (rev K)

BH205RQ-001 P01 Foundation Slab and Details

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of any excavations on the site, a method statement and risk assessment should be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the agreed details.

Reason: This needs to be agreed before any excavations begin on the site in order to avoid any risk from excavations.

4. Works to the concrete plinth/retaining wall should be undertaken fully in accordance with the details set out in the Plinth Review (letter dated 18/10/2024), the Foundation Slab and Details drawing reference BH205RQ-001_P01 and the Calculations, dated October 2024 undertaken by Seabrook Groves Engineers. Thereafter, the plinth/wall should be maintained, as such throughout the operational life of the sauna.

Reason: To ensure the safety of users of the site and visual amenity.

5. Prior to use on site, details, samples/photographs of the facing materials and lime mortar mix to be used for the retaining wall to the rear of the sauna building shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

6. Prior to installation on site, details, photographs and drawings of the roof mounted solar panel shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with agreed details.

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

7. No external lighting shall be installed unless details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

It should be noted that the Ecological Impact Assessment relies upon no external lighting. Therefore, any proposals for external lighting should be supported by an ecological assessment.

Reason: To protect visual amenity, impact on the character of the area and biodiversity.

8. Prior to the use of the development hereby approved, the existing tin shed located to the northeast of the proposed sauna building shall be removed entirely.

Reason: To protect character of the area

9. In accordance with the recommendations set out within the Vertical Technology Report on the inspection of the slope behind the tin beach hut, Lulworth Cover dated 5 July 2023, the site operator must undertake a daily visual inspection of the stability of the slope and maintain a record of the inspections, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

An additional inspection of the cliff and crest should be undertaken by an experienced Geotechnical Engineer annually and after any significant change has been noted during the daily inspections. A record of the inspections should be maintained and must be made available at the request of a duly authorised officer of the Local Planning Authority.

Reason: In the interest of protecting the site from issues relating to slope instability.

10. The detailed biodiversity mitigation and enhancement strategy set out within the approved Ecological Impact Assessment, certified by the Dorset Council Natural Environment Team on 05/06/2024, must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.
- ii) evidence of compliance, including photographic evidence, has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Impact Assessment and thereafter the approved mitigation, and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no boundary enclosures other than those shown on the approved plans. No additional signage, decking, verandas, handrails or other permanent features shall be laid or erected within the application site.

Reason: In the interest of the character of the National Landscape and the setting of the Conservation Area

12. In the event that the sauna suffers catastrophic damage as a result of major storm events or significant cliff failures, or by any other means, the sauna will be dismantled and removed from the site. The dismantling, removal of the sauna and restoration of the site will be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and safety of the public.

13. The premises shall not be used for the purposes hereby permitted outside the following periods;

September – March: 06:30-17:00

April – June: 06:30-19:30

July-August: 06:30-11:30 & 17:30- 22:30

Reason: To safeguard the character and amenity of the area.

14. The Sauna building hereby approved shall not be used other than for daytime recreational purposes only, and shall not be used as overnight holiday or permanent residential accommodation.

Reason: The Sauna is suitable for daytime recreational use only.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 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/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. You are reminded that should you wish to continue to operate the sauna building hereby permitted, beyond 3 years of date of this planning permission a further planning application will be required to be approved by the by the Local Planning Authority prior to that date.

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 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 in the list below is/are considered to apply.

- The permission which has been granted is for development which is exempt being:

- Development below the de minimis threshold, meaning development which:

- 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).