

6th January 2024

REF: BR/eds



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By email only

Dear Ursula,

Knoll House Hotel, Ferry Road, Studland – Proposed redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.

Application Ref: P/FUL/2022/06840

I write following a review of the Officer Report to Committee, in advance of above planning application being presented to the Eastern Area Committee on 10th January. Prior to the Christmas break, whilst you were away on leave, I spoke with your colleagues and sent a number of emails seeking that the application be deferred pending further discussion around a number of key areas. It is considered that it is premature to present it to Committee and I consider that this is reflected in the reporting on a number of issues, notably comments raised by the NET which were only published on 3rd January 2024. This is the first time we have received any comments of this nature, over a year since submission of the planning application. Similarly, comments have been received in respect of trees and drainage, all forming suggested reasons for refusal and all resolvable.

Whilst my request for a deferral has previously been rebuffed, I remain of the view that it would be most effective for both parties, especially given the likely complexities, cost and time associated with a planning appeal. I understand that the reasoning relates to procedure in determining applications as quickly as possible. This seems at odds with the extent and timeframes of previous pre-application discussion, the planning history, including the role of the previous planning application and subsequent discussion with officers, and the time taken to determine this planning application to date. Please can you provide the LPA's reasoning for this?

With regard to the content and substantive issues, I have set out a number of factual errors within the Officer Report, below. In addition, I also enclose some additional information, in respect of Drainage, also referred to below.

Drainage

Drainage issues have been raised following the applicant's attempts to pursue an alternative outfall to serve the surface water strategy. This is considered in the context of securing a 'no objection' from the LLFA in relation to the previous planning application. Notwithstanding this, I attach some further information to demonstrate that the alternative outfall is viable, including:

- A Drainage Strategy Plan; and
- Floor Risk and Drainage Strategy, which has been updated to reflect the revisions.

As a general principle, the existing site is not subject to any control or regulation in respect of surface water discharge. The proposal will result in a significant reduction in the area of impermeable surfacing on site, will introduce retention and a treatment train of surface water, in accordance with the principles of the SUDS hierarchy. This will result in betterment in terms of both discharge rate and water quality when compared with the existing situation. There are a number of references to adverse effects on water quality resulting to the proposal which have informed the habitats considerations. These are inaccurate.

Officer Report to Committee

I have set out a number of errors within the Officer Report (OR), below. In the absence of any paragraph numbers, I have referenced them by page number according to the Reports Pack and a brief description for ease.

P14 - The OR recognises that floorspace measurements are set out in Gross External (GEA) for the proposal, but compared against Gross Internal (GIA) figures of the previously refused scheme and existing hotels. It then goes on to state that the proposal is an increase when assessed against the previous scheme – this is inaccurate. This is then tabulated – the table, at Appendix 1, incorporates the factual corrections.

It should also be noted, if presenting an objective comparison, that the current proposal adopts a strategy of placing much of the car parking and servicing area below ground or within a podium with landscaping above. Currently and within the previously refused scheme these areas were not included within any floorspace calculations. A like for like comparison would result in a proposal measuring 11,184sqm – this still includes a much larger area contained within basements.

P15-16 – the commentary regarding materials does not reflect the amendments made in the July submission. Please refer to the DAS Addendum.

P16 – The OR States: *'The villas would sit on higher ground and be visible above two storey development elsewhere on site.'* This would only be the case in one viewpoint from the south. Not from elsewhere because of local topography. Views have been provided to demonstrate this. The three storey element, would not be visible from Ferry Road.

P29 – The Report does not consider Policy E8 of the emerging Purbeck Local Plan. This policy will supercede adopted Policy DH and provides a greater degree of flexibility in considering development within 400m of the Dorset Heathlands. Given that this is one of the principal issues, it is a policy which, when considering matter objectively, should be included.

The emerging Plan has recently been through consultation in respect of a consolidated Main Modifications (the Supplementary Main Modifications) stage and is therefore very advanced. It should be afforded substantial weight when considered in the context of NPPF paragraph 48. It is irrational to say, as set out in the OR, that it cannot be given any significant weight. Plan. It is as advanced as it can be without being subject to a final Inspector Report (but the MMs have been informed by preliminary findings are driven by the Inspector) and adoption by the Council.

P34 – As set out above, the analysis of the floor areas is erroneous, given that it does not reflect a like for like comparison.

It does recognise the difference between GEA and GIA calculations (albeit does not explain the significance of this) and then goes on to conduct a comparison in any event. This misdirects the reader. Notwithstanding this, the proposal is significantly smaller than the previously refused scheme. It is also erroneous to conclude the proposal pushes the envelope of development on the site further out than currently. Please see p4 of the DAS Addendum which compares existing and proposed footprints. As a matter of fact, the proposal will remove existing development beyond the proposed parameters to the north, south, east and west, and also centrally. It is misleading to say that the envelope of built development increases – it does not. Development is moved further from the boundaries and also opens up the centre of the site.

With regard to the reference about building up, P4 of the DAS Addendum shows comparable topline AODs, the biggest difference is in respect of the villas where it increases the height of the nearest existing building by 2.9m to the gulley or 4.6m to the ridge of the proposed roof. In all other areas, the difference in height is less than 2.6m, which equates to much less than 1 storey. It is inaccurate to describe the proposed strategy as building upwards to achieve the increase in scale. The majority of increase has been achieved by using the topography and building downwards. As set out above, the developable area has been consolidated as a result.

P34 – it is misleading to say that the hotel is ‘tired looking and in need of an update’. It is also factually inaccurate. There have been a series of utilities failures and the buildings are nearing the end of their functional life. Ongoing maintenance of the existing fabric has increased substantial to keep them in an operational condition. They are also incredibly inefficient.

P39 – The OR does not take account of the submissions made in either July or December 2023, acknowledged later on the page. There is a clear lack of understanding of the site, the history of the proposals and analysis of the information submitted. For example, one criticism raised by the AONB and the Landscape Officer referred to the resolution/quality of the photomontages. These had been submitted three times to the Council, but were not provided to the respective landscape officers. This has prejudiced this part of the assessment of the proposal, which is reflected on the OR.

P44 – It is inaccurate to say that the applicant has declined to consider the whole scheme as C1. The issue of C1 and C3 has been discussed with officers and NE previously. The applicant sought further information from officers regarding comments suggesting the hotel could be renovated in a more moderated manner. This shows a misunderstanding of the current operational requirements and condition of the hotel (both commercially and from a fabric/structural perspective). See applicant email to case officer, dated 24th November 2023. More recently, the applicant has sought to understand officers’ position on C1 and, whilst it is likely to introduce viability considerations, it was requested that the effects on the heathland be explored in the context of a wholly C1 use – see email to officers, dated 21st December 2023. There is no barrier to making such a change within the context of the current application by virtue of the imposition of a planning condition – use class is not referred

to in the description of development. Officers recognise that the same type of accommodation falls within both C1 and C3. I agree that there are examples of both in this type of format.

P45 – refers to an exception to Policy DH, but makes no reference to emerging Policy E8 which should be considered alongside and afforded substantial weight.

P46 - The Report refers to the absence of consideration of how non-resident staff will be considered. This is inaccurate and it is an issue which has been considered previously. It is prejudicial not to refer to the response from Natural England (NE), dated 21st December 2021 (sHRA Annex 8) which provides a recommended, as robust, formula for dealing with this. NE advise that non-resident staff should be calculated on an equivalent rate of 14.3%. This has been derived from the same staff survey which has been recognised as robust. This would equate to 22 (rounded up from 21.16 based on a precautionary principle). This is still well under current occupancy levels. Similarly, it has previously been agreed that the spa will only be accessible to overnight guests and a very small local membership (within a village area), representing people already in catchment. This is also raised on P49, without reference to NE's previous advice.

P46 – The OR disputes that the proposal will comprise a hotel complex. the proposal is a hotel complex, irrespective of the Use Class. There has been extensive discussion about this point and the controls to tie the use of the C3 to the hotel. Operationally, there are many examples of this, including those submitted within the Operations Report. Also, see above re C1 uses.

The conclusion reached by the OR also departs from the agreed description of development which recognises it as provision for: tourism accommodation. It is also worth noting that it excludes reference to use class in the description. This will require, if members are minded to approve, a condition restricting the use to prescriptive use classes either C1 or a mixture of C1/C3.

P47 – the issue raised about the control over the C3 accommodation leading to a flawed approach to the sHRA is a semantic issue. The proposal, as set out in the description of development is for a tourism accommodation proposal. This goes to the heart of the issue raised in the sHRA, the condition of control recommended is to ensure the development is delivered as proposed, not as a means of mitigation. It misdirects the reader to conclude that it is a flawed approach.

P50 – POINT OF CLARIFICATION: Does the consideration of pet monitoring, include a complete exclusion of dogs? In light of the central management of the hotel and the requirement to keep a booking inventory, this does not seem to be an overly onerous measure to enforce. The applicant is willing to agree to this provision. The issue of an absolute removal has historically been discussed, but officers now decline to discuss such matters.

P50 - Dorset Heaths – the surface water drainage does not discharge towards Little Sea and Pipleay Swamp. It discharges east, as incorporated within the July 2023 amendments. This was done at the request of the National Trust (and advocated by NE). That said, the hotel currently discharges surface water without control to the surrounding landscape (both east and west). The proposals will regulate discharge rates and improve water quality through the SUDS treatment hierarchy. It will result in betterment.

P50 – Whilst the AA concludes mitigation can be secured in respect of any impact on functionally related habitat for Nightjars, no habitat suitable for them has been identified on the site. The baseline assumed is anomalous.

P51 – the first reference to nightjars from the NET was made on 28th December 2023, published 3rd January 2024, after the OR was drafted. The applicant’s ecologists have confirmed that nightjars were discounted from the assessment informed by the absence of any suitable habitat on site. This was a position historically accepted as part of the first planning application. It is unclear why these conclusions have now been reached by the NET. In the absence of any suitable habitat on site to support nightjars, please can the LPA provide an update in respect of how they have arrived at their conclusions.

P55 – The economic forecast figures referred to are incorrect. Please can you update the Report to reflect the current proposal, the figures in respect of: construction costs, wages and GVA appear to have been cut and pasted from the previous officer report. Please refer to chapter 5 of the Environmental Statement. The proposed construction spend was considered to be £65m at the time of writing, but this has been subject to inflation since.

P56 – With regard to parking, please refer to the current Transport Statement (TS) (paragraph 2.20) which identifies 86 existing spaces. This paragraph appears to have been cut and pasted from the previous OR, but a more detailed analysis of car parking has now been conducted, since the previous planning application.

P57 – The Local Highway Authority concur with the findings of the TS, which concludes that there will be a reduction in car borne trips. It appears that this section may have been cut and pasted from the previous Officer Report. If Officers have reached an alternative conclusion to the one agreed by the Highway Authority, please can you provide details, but the LHA do not acknowledge that there will be an increase in traffic flows. As written, it misleads members on the information before them.

Whilst the extensive assessment of the proposals prepared and submitted in support for the planning application reach an alternative conclusion, it is recognised that much of the conclusion directed by officers adopts a different judgement. The comments set out above, do not seek to influence the judgement reached and relate only to matters of fact. However, in order to enable members to reach their own judgement, as the decision makers, it is requested that updates be provided to clarify the matters raised. Otherwise, the Report, as set out, is misleading them in a range of objectives matters. This is an unreasonable approach.

Please can provide members with an Update Addendum to ensure that they can consider the proposal on the basis of what has been submitted. I would be grateful if you can also forward me a copy of this in advance of Committee.

I would welcome further discussion on these matters and, in light of the extent of anomalies, I would, again, request that the application be deferred to enable such discussion to take place.

Yours sincerely



Ben Read MRTPI
Director

Appendix 1:

Floor Space Table Corrections

		Existing hotel	Refused scheme (6/2018/0566)	Current proposal
Applicant's submitted evidence	Overnight guests	273	324	280
	Live-in staff	66	-	-
	Live-out staff	Minimal	129 ^{152 (116 FTE)}	152 ^{147 (112 FTE)}
	Overnight Capacity	339	324	280

Eastern Area Planning Committee
10 January 2024

Use Class C1	Hotel bedrooms	106	30	30
	Staff bedrooms	57	-	-
Use Class C3	2 bed apartments	-	39	16
	3 bed apartments	-	2	2
	2 bed maisonettes	-	16	-
	2 bed villas	-	2	6
	3 bed villas	-	4	20
Total number of bedrooms across use classes		163	162	140
Total Floorspace		6,050sqm	14,385sqm	15,813sqm <small>12,797sqm (11,184sqm exc basement)</small>