

[REDACTED]

From: [REDACTED]
Sent: 13 December 2023 14:52
To: [REDACTED]
Subject: RE: P/FUL/2022/06840 Knoll House Hotel
Attachments: RE: Knoll House - P/FUL/2022/06840

Dear Matthew,

Thank you for your response.

Are you able to let me know who the officer is that is dealing with the Appropriate Assessment? Or the officer who sent you the email (in italics) below?

I have responded to the planning officer, attached, with further correspondence and received an out of office to say she is away until 22nd December – that will be too late to have an practical effect. The email also contains written evidence that the most recent issue raised by Natural England (in May 2023, prior to us further reducing the scale of the proposal), and which will be used as justification to fail the Appropriate Assessment, has previously been addressed (by a formula put forward by Natural England).

To be frank, I have serious technical concerns about the approach to the Appropriate Assessment which has been relayed to me. Officers will not engage with me on this issue and are intent on presenting the application to Committee on 10th January. If they adopt the approach they suggest, members will have no choice (from a legal perspective) but to refuse permission. This is a huge frustration given the time which has elapsed on this project. I am simply seeking a short extension of time to engage on the Appropriate Assessment. I do not wish to influence officers judgement, but to agree that the inputs are factually correct and the procedure being applied is legally sound – I am concerned that matters of planning policy and the Habitat Regulations have been conflated at present. Raising concerns to members of the Committee in a 3 minute public speaking slot is unlikely to be effective in presenting key issues set out in a legislative framework – we run the serious risk of having to present that case at a Public Inquiry, a costly procedure for both the applicant and Council, which could be avoided.

Kind regards
Ben

From: Matthew Piles [REDACTED]
Sent: 12 December 2023 14:55
To: Ben Read [REDACTED]
Subject: RE: P/FUL/2022/06840 Knoll House Hotel

Ben

I am extremely sorry I have not responded. I have been in discussion with the planning officers and have met with Cherry Brookes today.

I can confirm that I will pass this email on to the officer preparing the Appropriate Assessment, for their consideration. The Appropriate Assessment will be based on the information submitted with the application and will be published with the committee papers in advance of the committee meeting (this is usually one week before the meeting). If the applicant has concerns about the accuracy of the Appropriate Assessment (once published) then they have the option of raising any concerns during the public speaking time.

Regards

Matthew Piles

**Corporate Director
Economic Growth and Infrastructure
Dorset Council**



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From: Ben Read ██████████

Sent: Wednesday, December 6, 2023 3:29 PM

To: Matthew Piles ██████████

Subject: RE: P/FUL/2022/06840 Knoll House Hotel

Dear Matthew,

Did you have any thoughts on my email, below, sent last week?

As I understand it, the planning officer is intent on presenting the application to Committee in January. If that is the case, it would be incredibly helpful to have an understanding of the Council's position on the Appropriate Assessment, because a negative conclusion on that will result in a refusal (irrespective of what the Committee say). That will narrow Kingfishers options considerably.

As an aid, the issues still in discussion regarding impact on the heathland are the same as several years ago, in conjunction with the first scheme. I have attached the minutes of a meeting we had in 2021 to that effect. We have since reduced the scale of the scheme by more than 30% and reduced the number of people who will be on site considerably. We did so to put clear daylight between the proposal and the issues still being considered.

I would be happy to arrange a call to discuss if that is easier.

Kind regards

Ben

From: Ben Read

Sent: 30 November 2023 13:08

To: Matthew Piles ██████████

Cc: Nigel Chapman ██████████

Subject: FW: P/FUL/2022/06840 Knoll House Hotel

Dear Matthew,

You may recall that Nigel Chapman, of Kingfisher Resorts, wrote to you in September setting out a desire to progress their current planning application in respect of the redevelopment of Knoll House, including agreeing a timetable for its determination. We have since been assigned a new case officer who has more capacity to progress matters (for the record, I found the previous case officer, Huw Williams, to be knowledgeable and engaging and he seemingly had a handle on the detailed issues relating to the proposal). The new officer has identified that the planning application will be presented to Committee in January 2024, which is a clear indication that the LPA has responded to Kingfishers request, so thank you. However, there is some concern that to have efficacy the progress moving forward must not be unilateral. The clear indication from officers now is that there will not be any further engagement and the proposal will be recommended for refusal. I have included an email received from the case officer, set out below, which sets out the officer position. As you are aware, Knoll House is a sensitive site which has been in discussion with the LPA and other key stakeholders such as Natural England for more than 6 years.

Whilst much of the consideration in the email, below, relates to matters of planning and planning policy – which have, in large part, previously been considered (and some of which I had thought been addressed) and we will be responding in detail on the specific elements. Irrespective of this, the issues raised, from a policy perspective, would still allow for members to reach an alternative conclusion, when presented objectively, even if we couldn't make any progress to 'narrow the gaps', which I hope we can. However, the final two paragraphs (highlighted) are a cause for serious concern. They relate to matters associated with the Habitat Regulations and Appropriate Assessment. As a matter of law, it is understood that if the Appropriate Assessment fails, the planning application cannot be granted. The indication from the case officer is that there is an impact on the heathland (in advance of the conclusion of the AA, this is a predetermined conclusion) – which is the central consideration of the AA (assuming the LPA follow the conclusion reached by Natural England that the scheme is Nutrient Neutral). As a matter of the information before the Council, it is not the conclusion which the evidence directs. It is also a concern that the comments from the case officer, are driven by policy conflict. This is also a matter which is disputed. However, irrespective of the respective opinions/judgements, the Appropriate Assessment is a matter which should be considered on the basis of impact alone (and not policy), and should not be conflated with matters of policy (which are there to regulate impact and cannot be expected to consider all scenarios and are therefore applied as a matter of judgement). There is a small but very important difference. To do so would fundamentally prejudice the scheme and its ability to progress. My concern is that is the direction of travel, and without any further engagement, this is a real concern to the applicant because of the binary nature of the issue.

I recognise that the LPA is the Competent Authority in the context of the Habitat Regulations and therefore are responsible for the preparation of it. I also recognise that there is no duty to consult the applicant on this process. However, I have requested, verbally to the case officer, that a copy of the AA is shared with the applicant prior to any committee (preferably in draft) to ensure that all of the inputs are objective and accurate. The planning officer has rejected this but, after 6 years of engagement with the Council and significant work to address historic concerns of Natural England (whether we agreed with them or not), I think it is a reasonable request. The applicant does not want to influence the AA, but would welcome the opportunity to engage with officers to ensure that the inputs are objective and accurate. Otherwise, the real concern is that, after 6 years of engagement, the case will be refused because it cannot be approved due to an assessment which may not reflect what is actually being proposed.

We have always sought to be open and work with the Council, generally, and officers specifically throughout. My request is that this continues. I have always understood that the objectives of regenerating Knoll House have been received positively by the Council, but the issues of detail (and I appreciate there is a lot of detail) needed to be worked through. If this is not the case, I would welcome a clear indication from the Council accordingly.

I look forward to hearing from you and any assistance you can offer would be gratefully appreciated.

Kind Regards
Ben

From: Ursula Fay [REDACTED]
Sent: 24 November 2023 12:13
To: Ben Read [REDACTED]
Subject: RE: P/FUL/2022/06840 Knoll House Hotel

Hi Ben,

Thank you for your email. I can confirm that I did send the Landscape Strategy Plan directly to Landscape, the AONB Team and the National Trust as well as publishing it on the portal. The AONB Team have provided some additional comments on this which I have just uploaded to the website. I also spoke about it with Landscape who do not have any update to make to the comments already provided.

There are a number of issues with the application which the amendments have not resolved, in particular:

- The LVIA has under-reported impacts and does not meet best practice
- The scale and bulk of the proposal will have unacceptable impacts on the landscape of the AONB
- The predominance of glazing will result in light pollution and glare

- The proposal is out of character with its rural location and would have a negative impact on Ferry Road

As previously, the proposal is classed as major development within the AONB, as such it should be refused unless it can be demonstrated the development is in the public interest. I'd be happy to consider the economic impacts and their public benefits, however I feel that the need for renovation of the Knoll House Hotel can be met through a more moderated design with reduced impacts on the AONB. So I won't be able to support this application.

There are also the impacts arising from this proposal on the Dorset Heathlands. My colleague is progressing the Appropriate Assessment of this proposal on which we will consult Natural England. Note that with the inclusion of C3 units the proposal will be contrary to the Dorset Heathlands SPD as these would be within the 400m zone and therefore not permitted. The SPD defines the approach that has been adopted to ensure residential development across Dorset does not have in-combination effects on the Heathlands. The SPD clearly states that a net gain in C3 units is not permitted within the 400m zone and makes no exception for holiday accommodation. Indeed it states that self-catering holiday accommodation is not permitted within the 400m zone.

The SPD does allow for hotel uses to be considered on a case-by-case basis. My recommendation to your client would be the withdrawal of this application and submission of an alternative scheme for a C1 hotel use, taking into consideration the comments from the AONB Team. I strongly recommend you take pre-app advice on any new proposals. Otherwise, I am progressing this application to the January committee as previously discussed however the recommendation made will be for refusal.

Kind regards,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure
Dorset Council

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From: Ben Read [REDACTED]
Sent: Wednesday, November 22, 2023 10:24 AM
To: Ursula Fay [REDACTED]
Subject: RE: P/FUL/2022/06840 Knoll House Hotel

Hi Ursula,

We have been reviewing the comments received to date and have a draft response ready to submit but, before I do, can you let me know whether the Landscape Strategy Plan was circulated to the landscape officer and the AONB Team? And whether they intend to update their comments accordingly?

Also, has there been any sort of feedback from NE? or indication of when they may respond?

Kind regards
Ben

From: Ursula Fay [REDACTED]
Sent: 30 October 2023 11:31
To: Ben Read [REDACTED]
Subject: P/FUL/2022/06840 Knoll House Hotel

Hi Ben,

I have had comments back on the revised plans from the AONB and our Landscape team (you can see these on the website).

Both are unable to locate a detailed landscape masterplan which is referenced as having been submitted – did you submit this along with the other amendments and could you help me locate it?

Many thanks,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure
Dorset Council

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