



Planning Services

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Ben Read
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Date: 17 January 2024

Ref: P/FUL/2022/06840

Case Officer: Ursula Fay

Team: Eastern

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Planning Decision Notice

Full Planning Application

Town and Country Planning Act 1990

Town and Country Planning

(Development Management Procedure) (England) Order 2015

Application Number: P/FUL/2022/06840

Location: Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH

Description: Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.

Dorset Council **refuses** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission is refused for the following reasons:

1. The proposal has been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB). As such there is a requirement to assess the impact upon the local economy, any scope for developing outside of the AONB and ensuring that there is no detrimental effect on the environment and landscaping. The proposal by reason of its scale, form and massing fails to ensure that there would be no detrimental effect upon the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast. This impact has been considered against the substantial local economic benefits. The proposal however is contrary to Policies D, TA, CO and LHH of the Purbeck Local Plan Part 1, the aims and objectives of the NPPF, especially paragraph 177 and 178 and Policies C1 a, c and f,

C2 d, e, and f and C4 a, c, d, e, f and g of the Dorset AONB Management Plan 2019 - 2024.

2. The application site is located within 400m of protected heathlands and C3 use is proposed. Mitigation measures have been identified but do not address all matters and have not currently been secured in perpetuity. In this instance there is no overriding public interest and as such it cannot be certain, on the evidence presented, that the proposal would not adversely affect the integrity of the Dorset Heathlands European sites and international sites. Or, for that matter the Poole Harbour due to increase recreation in the harbour. The proposals are therefore contrary to Policies DH (Dorset Heathlands) and PH (Poole Harbour) of the Purbeck Local Plan Part 1 and Dorset Heathlands Planning Framework (2020 – 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and Poole Harbour Recreation Supplementary Planning Document (SPD) and the aims and objectives of the NPPF especially paragraphs 180 and 182.
3. Insufficient information has been provided regarding surface water management from the development. It has not been demonstrated that the proposed surface water drainage scheme can be viably achieved on the site. Contrary to Policy FR of the Purbeck Local Plan, and paragraphs 167 and 169 of the National Planning Policy Framework.
4. The proposal is not accompanied by a Biodiversity Plan or adequate details regarding the ecological baseline and proposed mitigation and enhancement measures. It therefore fails to provide adequately certainty a Biodiversity Net Gain can be achieved on site, or that proposed mitigation measures are deliverable. The proposed development is therefore contrary to Policies BIO and GI of the Purbeck Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.
5. Insufficient evidence has been submitted to demonstrate that the proposals will not result in damage/premature decline to trees proposed for retention through direct and indirect effects due to less-than-ideal growing conditions, their age and variable resilience to change, versus the magnitude of the development. In addition, insufficient details have been submitted to demonstrate that landscaping within the site including proposed earthworks will result in visually attractive, appropriate and effective landscaping of the development. The proposed development is therefore contrary to Policies LLH and D of the Purbeck Local Plan and paragraphs 135-136 of the NPPF.

Informatives:

1. For clarity, the refusal relates to the following plans :
 - 4561- SI-12000 P01 Site - demolition plan
 - 4561- SI-12001 P01 Hotel & ancillary - demolition elevations
 - 4561- SI-12002 Site – demolition and proposed overlay
 - 4561-SI-20001 P09 Site - Lower Ground - Proposed
 - 4561-SI-20002 P011 Site - Ground Floor - Proposed
 - 4561-SI-20003 P07 Site – Roof/ landscape - Proposed
 - 4561-SI-20004 P03 Site – Proposed block plan

4561-SI-35000 P06 Site - Extended site sections
 4561-SI-35001 P07 Site - Extended site sections sheet 2
 4561-SI-35002 P03 Site – car park boundary sections
 4561-SI-20020 P02 Site – Restaurant pod
 4561-T1- 10001 P05 Villas- Lower Ground & Ground floor
 4561-T1- 10002 P04 Villas- First & Second floor
 4561-T1- 10003 P02 Villas- Roof
 4561-T1- 30000 P03 Villas- 3 bed villa elevations
 4561-T1- 30001 P03 Villas- 2 bed villa elevations
 4561-T1- 35000 P02 Villas- Section AA & BB
 4561-T2- 10001 P04 Spa- Lower Ground
 4561-T2- 10002 P05 Spa- Ground
 4561-T2-10003 P04 Spa - Roof
 4561-T2- 30000 P05 Spa- elevations
 4561-T2- 35000 P02 Spa - Section AA & BB
 4561-T3- 10001 P06 Hotel- Basement
 4561-T3- 10002 P06 Hotel- Lower Ground
 4561-T3- 10003 P04 Hotel- Ground and Upper Ground
 4561-T3- 10004 P07 Hotel- First Floor
 4561-T3- 10006 P06 Hotel- Roof
 4404-T3- 30001 P07 Hotel- Elevations
 4404-T3- 30002 P05 Hotel– Sections
 1122-P-11 Proposed Layout and Tree Removals
 1122-P-12 Tree Protection Plan for Demolition
 KHS-PPC-XX-XX-DR-C-201 P3 Drainage Strategy
 KHH001 Landscape Strategy Plan

2. National Planning Policy Framework

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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but these were not sufficient to overcome the reasons for refusal

Decision Date: 17 January 2024



Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to refuse planning permission

This decision is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015 .

Site Notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. <https://www.gov.uk/appeal-planning-decision>.

An appeal must be made by the applicant. Forms are available on-line at Appeals - Appeals - Planning Portal

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk.

Southern Gas Networks – Overbuild Advisory

There are several risks created by building over gas mains and services. If you plan to dig, or carry out building work to a property, site or public highway you should check your proposal against the information held at <https://www.linesearchbeforeudig.co.uk/> for any underground services.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner, in exceptional circumstances, may claim that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).