

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 9 FEBRUARY 2022**

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Mike Barron, Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson, Bill Trite and John Worth

**Apologies:** Cllrs David Tooke

**Also present:** Cllr David Walsh; Gary Suttle and Cherry Brooks

**Officers present (for all or part of the meeting):** Anna Lee (Service Manager for Development Management and Enforcement), Kim Cowell (Development Management Area Manager East), Peter Walters (Senior Planning Officer), Andrew Collins (Development Management Team Leader – North), Susan Hetherington (Engineer – Development Liaison), Oliver Rendle (Senior Environmental Assessment Officer), Cari Wooldridge (Planning officer), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

#### **248. Apologies**

An apology for absence was received from Councillor David Tooke.

#### **249. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Bill Trite declared that as he had been seen to predetermine the application - in respect of minute 242 - in views he had expressed at a Swanage Town Council meeting, he would speak solely as local member in respect of minute 252, but take no part in the vote.

#### **250. Minutes**

The minutes of the meeting held on 5 January 2022 were noted.

#### **251. Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

252. **SEC/2020/0001 - To modify a Planning Obligation for planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping, removal of existing raised water tank and to remove the requirement for affordable housing at the former St Marys School, Manor Road, Swanage**

The Committee considered application SEC/2020/0001: to modify a Planning Obligation for planning permission 6/2018/0493 (Demolish temporary classrooms and outbuildings and convert existing remaining buildings to form 10 dwellings and erect 20 new dwellings with parking and landscaping, removal of existing raised water tank and to remove the requirement for affordable housing at the former St Marys School, Manor Road, Swanage.

Consideration of the application had been deferred by Committee at their meeting on 5 January 2022 to allow further negotiations on the viability of the scheme with the applicant, to include an assessment of land values and building costs. This was designed to give members a better understanding of the grounds for consideration of the application and so that some means could be achieved for the obligation to be maintained, at least to some extent, that was in the interests of and to the satisfaction of all. Modifications to the report presented to Committee on 5 January were highlighted in bold in the report.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the application were; how these were to be progressed; and what this entailed.

For context, plans and photographs provided an illustration of the location, orientation, dimensions and appearance of the development and of the individual properties; access and highway considerations; the characteristics and topography of the site and views into the site and around it; environmental designation considerations; what groundworks would be necessary in managing this “brownfield” site to an acceptable standard for development; drainage and water management considerations; the means of landscaping and screening; the development’s setting within that part of Swanage and that it was sited within the Swanage Conservation Area and the Dorset AONB.

Critically the reasons why the applicant now considered to be unable to fulfil the originally planning obligations in providing 11 affordable housing elements were emphasised, all of which provided a satisfactory understanding of all that was necessary.

The basis for the application was explained by officers in that the applicant did not now consider able to fulfil the original planning obligations – in providing affordable housing on as part of the development - given their assessment of commitments required to deliver the development. Given this, they maintained that the scheme would not be viable should this obligation be retained. Based on the evidence provided by the applicant - which had been corroborated by the

District Valuer in their independent assessment of the viability of the scheme – the application had been submitted.

For members understanding officers set out the particular reason for the application in that:-

“The applicant had applied to remove the S106 legal agreement that required the provision of 11 affordable housing units as part of the development. In this instance, Policy AH of the Purbeck Local Plan allowed for development of 100% open market housing where it could be satisfactorily demonstrated that a scheme with affordable housing was not viable. Therefore, if the viability argument was satisfied, the S106 agreement could be removed without resulting in the approved scheme being contrary to the Development Plan.”

The applicant contended that on the basis of the significant increase in CIL charges and the abnormal costs associated with developing the site, along with the high Existing and Alternative Land Use Values, the proposal was no longer viable if the requirement to provide affordable housing remained. Planning Practice Guidance (PPG) definition of abnormal costs was considered by the District Valuer to apply in this case as a basis for the application.

Subsequent to the deferral of this application by Committee, the applicant had submitted an additional supporting statement that sought to clarify matters raised during that committee meeting, these being:

- site ownership – the applicant confirmed that since the application was submitted, they had purchased the site. Therefore there was no prospect for further negotiation on the price to be paid to purchase the land.
- the applicant confirmed that on other developments they had provided affordable housing where it was possible to do so.
- the applicant advised that banks would not finance a development with a profit of less than 15% Gross Development Value (GDV). While private lending could be attained when a lower profit margin was expected, it tended to attract higher interest rates which would render the development unviable.
- the applicant considered that the proposal was compliant with Policy AH of the Purbeck Local Plan Part 1 and paragraph 58 of the National Planning Policy Framework.
- the applicant submitted the requirement viability assessment for consideration by the District Valuation Service (DVS) on behalf of the Council.
- the applicant noted that the Dorset Council Constitution stated that a role of Members is “To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law”. (Paragraph 1.3 (c). Members and Officer Protocol).
- the applicant stated that members were asked to accept the professional recommendation provided by their own expert and independent consultant that the conclusion of the appraisal was sound.

Given all the evidence provided; in taking into consideration the assessment made by the District Valuer; and that further discussions had taken place with the applicant as to whether there were opportunities to improve the viability of the scheme, with none being identified, officers were satisfied that the reasons for the

removal of this obligation had been met – in that it had been demonstrated that the proposed development was not viable if affordable housing was required - and this formed the basis of their recommendation to Committee.

The Committee were notified of written submissions and officers read these direct to the Committee – being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

One of the two Local Ward members, Councillor Bill Trite, spoke as a local member only. He was concerned that the element of affordable housing was being asked to be removed as there was a critical need for this within Swanage. He remained sceptical as to the applicant's intentions and could not see any good reason why the applicant was asking for this to be removed now, given what should have been known about the site previously and what might well have been anticipated. The other local Member, Councillor Gary Suttle, was of this view too.

Formal consultation had seen an objection from Swanage Town Council, and numerous public objections received expressed concern at the removal of the obligation, considering there to be a real need for affordable housing in Swanage - especially that young, local families would not now have the opportunity to access this provision.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision.

Some important points raised, some of which they considered still required clarification, were:-

- what assessment had been made on how viable the scheme would be - both with and without the affordable housing element
- concern that the applicant was not now being able to fulfil that obligation and why this was the case
- what costs there were associated with affordability
- how abnormal costs had been defined, determined and applied as the basis for this application
- what profits would be made and how were profit margins assessed in determining what was and was not viable
- what the practicalities of developing this brownfield site had been identified
- what issues could have been reasonably known by the applicant at the time of the original application being submitted and what issues had been identified subsequently.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, reiterating that the investigations undertaken had come to this conclusion. Officers confirmed that, where appropriate, they had challenged the District Valuer's assessment, with there being evidence that the District Valuer had modified his

assessment as and where necessary. Moreover, the District Valuer had assessed various permutations of what level of affordable housing might be able to be achieved to make the development viable, but had been unable to identify any such circumstances in which this might be the case.

This clarification was generally accepted by the Committee, albeit with some scepticism remaining: on what was known, or should have been known or anticipated by the applicant when their original application was submitted.

From debate, the majority of the Committee still had serious misgivings about the removal of the obligation given that, in their opinion, all the reasons being used to apply for this would have been readily known at the time the application was approved. Despite the evidence provided by the applicant and corroborated by the District Valuer, members were sceptical at the assessment made that if the affordable housing element obligation was maintained, the development would no longer be viable. Members considered that every opportunity should be given to identifying some means that the affordable housing – or a proportion thereof – could be retained and hoped that there could be some means to still achieve this.

As at the previous meeting some members considered that the original obligation should be maintained, and that no flexibility should be given to this, insisting that the provision of this obligation should be upheld.

However the majority of members now understood more readily that, given the evidence provided, the District Valuer's assessment and the efforts made by officers to find some satisfactory solution, there appeared to be little scope other than to approve the application for the reasons in the officer's report and presentation. However, they asked that consideration be given to including a clause in any grant of permission, that at an appropriate stage in the development – to be determined - a reassessment of viability be made to determine whether an affordable housing contribution could, or indeed, should be made.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor John Worth, on being put to the vote, the Committee agreed – by a majority of 7:2 - to be '**minded to**' grant the application, subject to the inclusion of the relevant clause.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be granted in that the S106 Legal agreement be modified to remove the affordable housing requirement and subject to the inclusion of the clause: on condition that a further viability assessment be undertaken during the course of the development at a time to be determined by legal negotiation. If that viability

review showed an improvement in the financial viability of the site, then a financial contribution towards the provision of affordable housing would be required.

253. **6/2018/0566 - Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development) at Knoll House Hotel Ltd, Knoll House Hotel, Ferry Road, Studland, Swanage,**

The Committee considered application 6/2018/0566 for the redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development) at Knoll House Hotel Ltd, Knoll House Hotel, Ferry Road, Studland, Swanage.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the application were; how these were to be progressed; and what this entailed.

The development would generate a £60 million investment in the site, create some 230 jobs and, because all staff accommodation from the site was to be removed, offered an electric shuttle bus service to bring staff to and from work.

For context, plans and photographs provided an illustration of the location, composition, dimensions and appearance of the development and of the individual accommodation units - and their proportion - that would make up the overall hotel complex; what leisure facilities and amenities there would be, access and highway considerations; the characteristics and topography of the site and views into the site and around it; environmental designation considerations; what demolition would take place and what groundworks would be necessary in managing this “brownfield” site to an acceptable standard for development; drainage and water management considerations; the means of landscaping and screening; the development’s setting within that part of Studland and what constraints governed how the site should be managed and could be developed.

These constraints in developing this site were significant, being:-

- within the Site of Specific Scientific interest, Special Protection Area, Special Area of Conservation, Ramsar site
- within the Dorset Area of Outstanding Natural Beauty (AONB)
- adjacent to Heathland Consultation Area
- adjacent to the Dorset Heritage Coast
- adjacent to UNESCO World Heritage site Jurassic Coast
- surrounded by National Trust owned land

all of which played a significant part in the assessment of considerations for the officer's recommendation.

Whilst the development would remain within the footprint of the existing development, there would be a significant change in appearance in terms of an increase in mass, bulk and dimensions which was considered to significantly impact on the adjacent environmental designations and in particular, the heathland.

Given all this, the proposal - by reason of its scale, massing and impact on environmental designations - was considered to be a major development within the AONB and the tests - as specified in the NPPF - had not been fully satisfied. However, the applicant was of the view that the development did not constitute a major development.

In addition, Natural England were unable to confirm that the proposals would not adversely affect the integrity upon international and European designated sites (Ramsar, SPA, SAC). Whilst mitigation measures had been suggested, there was no guarantee that these could be implemented satisfactorily.

Whilst it was acknowledged that the development would have substantial local economic benefits, given that it had been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB); by reason of its scale, form and massing and the impact it would have on the special character of the Heritage Coast, heathland and other environmental designations, these considerations formed the basis of officer's recommendation to refuse the application.

The Committee were notified of written submissions and officers read these direct to the Committee – being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

The Local Ward member, Councillor Cherry Brooks, addressed the Committee asking that the application be supported in that it would provide much needed economic benefits for that part of Dorset and would be a considerable asset to Purbeck. The Portfolio holder for, Councillor Gary Suttle, was of this view too, considering that more emphasis should be given to the economic benefits the development would bring, which in his opinion outweighed any negative impact.

Formal consultation had seen an objection from Studland Parish Council on the grounds of the mass and impact of the development; harm to environmental designations and inadequate parking. Dorset AONB, Natural England and the Campaign to Protect Rural England all objected on similar grounds. Dorset Highways had considered the traffic management and hotel parking plan to be acceptable. There was also no guarantee that the National Trust would enter into an agreement for use of their neighbouring land for any mitigating landscaping and screening - as asserted by the applicant - having raised concerns over the scale and massing on the Dorset AONB and on the

character and appearance of Studland and the surrounding protected heathlands.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision.

Some important points raised, some of which they considered still required clarification, were:-

- concerns over the number of car spaces available on site and how traffic would be managed on the highway network to avoid congestion
- how effective the shuttle bus service would be
- what guarantee there was for the use of National Trust land for any mitigation works as being proposed
- what the environmental designations there were and what impact the development would have on them
- the massing of some of the buildings to the rear of the development and how these might be modified to be more acceptable
- what use there was to be of the chalets and when these would be occupied
- how the staff were to be accommodated and where this could be

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

From debate, the majority of the Committee welcomed the £60million investment for the site and saw the economic benefits this could bring; appreciated that the development would create some 230 jobs; and, in principle, considered that development of the site would be beneficial but expressed concern that the mass and bulk of some of the proposed buildings to the rear of the development would need to be reduced considerably to be acceptable to them. There were also concerns over the number of car spaces available, that there would be no staff accommodation on site and that the environmental designations could be adversely compromised.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Mike Barron, on being put to the vote, the Committee agreed unanimously - 10:0 - to be '**minded to**' refuse the application, on the basis of the officer's report and presentation i.e. scale, form and massing and Heathland impacts.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

### **Resolved**

That application 6/2018/0566 be refused.



### Reasons for refusal

1)The proposal results in major development within the Dorset Area of Outstanding Natural Beauty (AONB) and would not conserve or enhance the character and appearance of the AONB or Heritage Coast. The application would continue to generate significant adverse effects and would compromise the special qualities that underpin the AONB's designation.

2)It has not been adequately demonstrated that the proposal would not have an adverse effect upon important international and nationally protected wildlife sites and as such it must be considered that there would be a likely significant effect which cannot be adequately mitigated against.

3)Economic benefits do not outweigh harm

4)There are clear material considerations which justify a refusal of this application.

254. **6/2021/0204 - Demolition of single storey classroom building and construction of replacement two storey classroom building at Lytchett Minster School, Lytchett Minster, Dorset**

The Committee considered application 6/2021/0204 - Demolition of single storey classroom building and construction of replacement two storey classroom building at Lytchett Minster School, Lytchett Minster.

The application was obliged to be considered by Committee as it was an application on behalf of Dorset Council.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the application were; how these were to be progressed; and what this entailed.

For context, plans and photographs provided an illustration of the development and its appearance and characteristics; what demolition would take place and what groundworks would be necessary in managing this "brownfield" site to an acceptable standard for development; the topography of the site and views into the site and around it; environmental considerations; drainage and water management considerations; the means of landscaping and screening; the development's setting within that part of Lytchett Minster and what constraints governed how the site should be managed and could be developed as it was situation in the Conservation Area and the Green Belt.

Officers considered the proposal to be acceptable in principle within the countryside and Green Belt; scale, design and impact on the character and appearance of the area; impact on heritage assets; and, impacts on neighbouring amenity and protected trees. The proposal would also provide public benefit. It was therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

Lytchett Matravers and Upton Ward Councillors considered the replacement would be an improvement to the appearance of the site and Lytchett Minister and Upton Town Council had no objection to the application.

The Committee understood the need for this development but asked that sufficient ventilation of the classrooms be stipulated in any conditions, as necessary. They also asked that the timber cladding used be compatible with that which was used on adjacent buildings.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Barry Goringe and seconded by Councillor Alex Brenton (one of the three local Ward members), on being put to the vote, the Committee agreed unanimously - 10:0 - to be '**minded to**' **approve** the application, subject to the conditions – to include an additional condition about ventilation of the windows - and informative notes set out in paragraph 17 to the report.

The Head of Planning, having considered the representations and the officer's presentation and having taken into account the views of the committee, made the following decision under delegated authority.

**Decision of the Head of Planning:** That the application be approved on the basis of the report and presentation and subject to the conditions and informatives set out in Section 17 of the report – to include the additional condition:-

- Before the building is brought into use, at least one opening window to serve each classroom must be installed. Thereafter the windows shall be retained as such.  
Reason: To ensure adequate air circulation around the building in the interest of the health of occupiers.

#### Reasons for Decision

- 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The needs of the established school and heritage constraints are judged to provide very special circumstances which outweigh the harm to the Green Belt
- No harm to heritage assets
- There is not considered to be any significant harm to the, Countryside, or protected trees.
- There are no material considerations which would warrant refusal of this application

255. **Urgent items**

There were no urgent items for consideration.

256. **Written Submissions**

**Written Representations for applications to be considered by the Eastern Area Planning Committee – 9 February 2022**

**SEC/2020/0001 - TO MODIFY A PLANNING OBLIGATION FOR PLANNING PERMISSION 6/2018/0493 (DEMOLISH TEMPORARY CLASSROOMS AND OUTBUILDINGS AND CONVERT EXISTING REMAINING BUILDINGS TO FORM 10 DWELLINGS AND ERECT 20 NEW DWELLINGS WITH PARKING AND LANDSCAPING, REMOVAL OF EXISTING RAISED WATER TANK AND TO REMOVE THE REQUIREMENT FOR AFFORDABLE HOUSING AT THE FORMER ST MARYS SCHOOL, MANOR ROAD, SWANAGE,**

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**Warren Sellers**

I sincerely request a gift of your time to read this letter before the next meeting of the Eastern Area Planning Committee of Dorset Council regarding the Agenda item viz: SEC/2020/0001 To modify Planning Obligation for planning permission 6/2018/0483..to remove the requirement for Affordable Housing (AH) at the former St Mary's School, Manor Road, Swanage.

Please reconsider the urgent need for *an increase* in Affordable Housing in Swanage and restore the requirement for AH in application 6/2018/0483. I am seriously alarmed to read in your minutes of 5th January 2022 that Officers of the Council have thus far rejected the pleas of Swanage Councillors and others to include the Obligation as a condition of planning.

It is not too late to politely set aside the previous decision to accept the District Valuers' recommendation to remove this Obligation and so finding in favour of owner, Trustees and the developer, of the land instead of the future owners of the dwellings proposed, especially those who hope to purchase AH.

If the trustees and the developer will not produce an alternative financial statement of their individual needs in favour of the *original proposal to include* a proportion of AH, your action as a member of the Area Committee to restore this Obligation at your next meeting will give opportunity for other developers to have more time to present their proposals to the trustees, however long that procedure may take.

Please do not lose this chance to restore the hope of more Affordable Housing.

Our Grammar School in Swanage closed its doors for pupils in 1974. In 2021 proposals were announced for the building of 90 dwellings, 60 for the open market and 30 AH on that school site to the delight of many, some also breathing a happy sigh of relief after more than 45 years of effort from planners, councillors, constructors and members of the community. This site in Manor Road may be more complicated and smaller in size. It is obviously worth taking more time to reflect on the personal needs of owners, trustees, developers and future Swanage occupiers.

I am also aware that allowing the removal of this Obligation will severely affect every community in the area of Dorset Council where there are hopes for more AH. I hope each Councillor will read again the pleas of Swanage Councillors who have already spoken so firmly about our local need for AH.

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**Colin Brixton**

The development within the town is also within the AONB, where development is allowed as an exception, subject to a S106 agreement. I object to the removal of the S106 obligation in this case on the grounds that the prime objective of site development in Swanage is to gain more affordable housing. If this is lost the resulting outcome will no doubt be a greater influx of either non resident owners; and/or the semi or fully retired from outside the area, so further increasing the unbalance of the population by age group.

The applicant has had ample time to revise the application or withdraw. Failure to adequately anticipate problems with the site and the effect on profit margin is in my opinion irrelevant.

Furthermore acceptance of this application will no doubt encourage future applicants to take similar action.

The consideration in my opinion should go against the officers recommendation, and be refused.

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**Bracken Developments – applicant**

Following the last committee meeting where members voted to defer the planning application for further discussion with us, as the applicants, we have held a virtual meeting with your case officer.

This submission was made in May 2020 and has been the subject of considerable open book scrutiny by the councils own appointed RICS accredited surveyor, the district valuer, who has confirmed that the site is not

developable on reasonable commercial terms if it includes any affordable housing. Your officers agree with these findings and have, again, recommended this application for approval.

This is not a speculative application put forward to maximise our financial return, as has been suggested. Rather we are in a position where we want to deliver these 30 units in Swanage, with all of the benefits to the town that will bring, including a very considerable CIL contribution, but we are unable to do so as the site is financially unviable.

The viability of the planning permission is not a matter of judgement, it is a matter of fact, and you will recall from the previous committee meeting that officers repeatedly said that they would recommend the original planning application for approval with no affordable housing, based on the viability exercise that has been carried out and that is now before you.

Just for the record, Bracken has no issue whatsoever with providing affordable housing on the land it develops, where it is viable to do so. For example, we have just handed over 13 houses to Sovereign Housing Association in Weymouth, and have a further 33 affordable units currently in the planning system in Dorset.

As you will have noted from the officer's report, Bracken owns this site, having acquired it in July 2019, and therefore there is no possibility of renegotiating the land transaction.

Our land at Swanage is a technically challenging and difficult brownfield site to develop, and the application before you has been the subject of proper detailed scrutiny by your officers and the Councils appointed experts. We therefore ask you to accept your officer's recommendation and approve this application, thereby allowing this site to be developed.

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#### **Jo Tasker, Ken Parke Consultants**

I am speaking on behalf of the applicants to support the application.

I will not take up much of your time as you have also heard a statement read out from Bracken Developments, the applicants.

As you are aware we have gone through a very thorough assessment process for this application and have followed the exact process allowed for by adopted Development Plan policy as well as Government Policy.

The applicant's professionally prepared economic appraisal, which has been confirmed as a legitimate and accurate analysis by the Council's own independent professional, is the evidence before the Council.  
**(continued below)**

**The economic appraisal is evidence based and accurate. Members are asked to accept the professional recommendation from their own expert and independent consultant that the conclusion of the appraisal is sound. The development cannot be delivered unless the requirement for affordable housing is removed.**

**Members are also asked to accept the recommendation from legal and planning officers who sanction the validity of the application and that the approach is correct and sound in law.**

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**6/2018/0566 - REDEVELOPMENT OF EXISTING HOTEL TO PROVIDE NEW TOURIST ACCOMMODATION INCLUDING 30 BEDROOM HOTEL, APARTMENTS & VILLA ACCOMMODATION, ASSOCIATED LEISURE & DINING FACILITIES (ENVIRONMENTAL IMPACT ASSESSMENT DEVELOPMENT) AT KNOLL HOUSE HOTEL LTD, KNOLL HOUSE HOTEL, FERRY ROAD, STUDLAND, SWANAGE,**

**Mark Funnell, National Trust**

The National Trust is a conservation charity that looks after nature, beauty and history for the nation – for everyone, for ever. The Trust owns the land around Knoll House Hotel, which it holds for its charitable purposes. This land includes areas of Dorset Heathland, woodlands and beach facilities. Part of the Trust's land is leased to the hotel.

Knoll House Hotel has a long history, with associations with the Bankes family of Kingston Lacy, who bequeathed the lands surrounding the hotel to the Trust. The Trust would like to see the sensitive, sustainable re-development of the hotel.

The Trust maintains its objection on three grounds: landscape, ecology and parking.

**Landscape:** The proposed development would more than double the floorspace on-site, with building heights increased considerably. We consider that the proposals would over-develop the site and have a detrimental impact on key views and the landscape and scenic beauty of the AONB and Heritage Coast. The proposals do not appear to meet the tests for 'major development' in the AONB. The AONB Partnership and Dorset CPRE have raised similar concerns.

**Ecology:** The proposals would introduce 63 residential units and other leisure uses to the site. The Trust understands that under the applicant's proposed operating model the intention is to manage these 63 units in conjunction with the 30-bed hotel. In the long term these 63 units could become individually sold and occupied. Even if they remain tied to the hotel, there would still be 63 new residential units adjacent to the internationally important Dorset Heathlands. As well as the increase in guest bedspaces on-site, there would

be a significant uplift in staff numbers, as well as day-users of the leisure facilities. Further, the surface water drainage from the entire site has not been resolved and the current proposition is likely to have ecological implications. We agree with Natural England and the RSPB that the proposals would have adverse effects on the integrity of the Heathlands. The applicant has proposed ecological mitigation measures on Trust land but appears to have no secured means of delivering them. The 1999 lease of amenity land from the Trust to the hotel has expired and a renewal has not been agreed. To be clear, the Trust would not agree to a renewal lease, section 106 or other agreement with the applicant to support development in this form.

Parking: The major increase in floorspace (c.138%) would be matched by a very small increase in car parking (c.10%). Experience suggests this will lead to parking problems in the local area, especially during peak season. The National Trust maintains its objection on landscape, ecology and parking grounds. We trust that this is a useful summary of our position.

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**Ian Girling, Chief Executive, Dorset Chamber**

My name is Ian Girling and I am the Chief Executive of Dorset Chamber, the county's leading business organisation and a member of the British Chambers of Commerce.

We fully recognise the heritage and beauty of the Knoll House Hotel. However it is clear the hotel is in major need of renovation and as it stands, is no longer fit for purpose. This is why major investment is required to maintain tourism and keep the Purbecks on the map as a world class destination and without this, the area and many businesses will suffer. The wider benefits of the hotel to other businesses in the area should not be underestimated.

The new plans seek to mitigate impact on the natural environment and our understanding is the new proposals are very understanding of this very important point. The proposals would significantly revitalise tourism in the local area as well as creating a first-class resort that would add significant economic benefit to the wider area. The new hotel would create significant employment in a relatively rural area, particularly offering young people seeking a career in hospitality a huge opportunity.

Our concern is if this proposal is not approved, the local economy will suffer and a major opportunity for a hugely exciting and beneficial resort that will really lift the area will be lost. This is a beautiful part of Dorset but without sympathetic investment, we will see decline and major revenue and employment opportunities lost. Such a beautiful part of the world deserves a world class destination, and this is why we support this planning application.

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**Ben Read, Black Box Planning Ltd – on behalf of the applicant**

This planning application is presented to members after a long period of consideration, since its first submission in 2018. The applicant, Kingfisher Resorts, recognises the sensitivity of the surrounding landscape and this has been central to the proposals from the outset.

The proposal does not seek to deliver a significant intensification in use. Overall, there will be a reduction of people accommodated on site. However, those guests will be afforded more space and access to a greater range of facilities, which is what is required of a five star destination. It is the number of people on site which has formed a considerable debate with Natural England over the last three years and the Officer Report helpfully recognises that the proposal will result in a reduction.

Knoll House was once an iconic destination on the Dorset Coast, an asset to the area.

However, now the condition of the hotel, which is spread across 30 buildings, is in sharp decline. The proposal seeks to restore the quality that Knoll was once known for.

The objective is to deliver a range of enhancements to the surrounding area, which will be beneficial for the local environment, including:

- A Woodland Management Plan;
- Heathland restoration;
- Mire restoration, restoring local wetland habitat;
- A circular walk which can be taken as an alternative to the Heathland;
- Informative signage which highlights the sensitivity of the area;
- Visitor Information Packs for each guest;
- A Construction Environmental Management Plan;
- A Staff and Skills Strategy which will include education on the local environment as part of their training; and
- Not to permit the keeping of dogs on site.

The measures will be secured by a binding Legal Agreement. There is no risk to the Council that planning permission will be issued if the measures are not secured. It would be unusual to have completed a s106 before a Committee Resolution. These measures are recognised by Natural England.

With regard to the AONB and impact, the assessment in the Officer Report is extremely narrow. It also appears to have been based on errors in the OR in respect of building sizes, a number of which have been reported as more than twice the size of those proposed. This is a major concern.

Notwithstanding the errors, it does make clear that 'major development is a matter for the decision maker. This is right. It is perfectly appropriate for members to reach a different conclusion to the OR. The applicant, in undertaking an Environmental

Impact Assessment,



including Landscape Visual Impact Assessment, has reached a different conclusion to officers. It is not considered that it does constitute major development. The key area of difference on this issue is that the comments of the AONB Board and in the OR do not recognise that the site is already previously developed and has visual presence in the AONB. It is not a greenfield site. This has resulted in impacts being overstated. The proposal will actually reduce the area of the site which is to be developed, rationalising the existing sprawl.

Members will be aware of the High Court Judgement handed down by Justice Swift in respect of 750 homes to be built in the AONB at Bridport. It was recognised in the judgement that the AONB is not a bar on development, a much larger development on a greenfield site. In that case, the development was concluded to be in the public interest to meet housing needs. In this case, the same can be concluded in delivering economic and social objectives.

Officers

recognise that there is a need for this development and that it cannot be delivered outside the AONB.

If members are in any doubt about landscape impacts, I would encourage them to visit the site.

As a matter of planning policy, and law, it is important that members consider the issue of major development but in doing so, they are entitled to conclude that it is not major development.

#### The Benefits of the Scheme

The Officer Report takes a very light touch approach to the benefits of the proposal. It does recognise the substantial economic benefits arising from the investment, which is welcomed, it fails to mention them in totality:

- Economic benefits:

o Total construction investment – circa £40m (at 2019 prices);

o Jobs:

□ 233 jobs in total. This amounts to a 14% increase in employment in Hotels and Restaurants in the former Purbeck District area

- Economic Projections:

o £40m construction investment

o £5m GVA every year in operation for the local economic from onsite activity

o £1m GVA a year in the supply chain

o £2.5m a year in additional spend in the local area.

- Qualitative benefits:

o Year round jobs

o Improved quality of jobs offering above average salaries; career progression opportunities and apprenticeship schemes

o Increased confidence in the local tourism market, encouraging further investment

o Higher quality tourism offer in the area, encouraging other businesses to improve theirs, encouraging a cluster of high quality provision.

- Environmental benefits:

o Energy efficient buildings, including provision of renewable energy (combined heat and power)

- o Sustainable buildings in excess of that required by Building Regulations
- o Agreement to condition securing Electric Vehicle Charging Points on site (Kingfisher deliver these in any event)
- o Promoting more sustainable patterns of transport and an electric staff bus to be secured in the s106 Agreement
- o Opportunity to regulate existing drainage, reducing runoff rates and cleaning runoff through infiltration systems.
- Local resident benefits:
  - o Improved local offer accessible to existing residents
  - o Job and career progression opportunities for local people
  - o Memberships for local residents within a defined catchment (which will also divert people from using the heathland)
  - o Retaining Knoll House as a local asset to be proud of in the long term.

The benefits of the proposal are significant and will also provide a long term and sustainable solution for Knoll House. For the reasons set out in the extensive assessment undertaken to support the proposal, there is no reason why members cannot reach a different conclusion to Officers and resolve to grant planning permission subject to the completion of a S106 Agreement and a Habitat Regulation Assessment. Kingfisher respectfully invite members to support the proposals on that basis. Thank you.

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### **Tim Watton, Clerk to Studland Parish Council**

Studland Parish Council have unanimously decided to object to this planning application on the grounds of: size, mass, and impact of the development; harm to designations, and inadequate parking. More detail on our objections are shown below.

#### **Main objections and concerns:**

- **Impact on nature conservation:** the development will be within the 400m boundary that prohibits developments close to the heathland. Studland is in an AONB, and these plans are totally out of character with the area, and the conservation of the area
- **Size / bulk / impact on outlook:** the scale of the development is disproportionate to the site. The proposed total floorspace would be 250% greater than the current hotel. One section will be five storeys high (compared to three now). Given its height and scale, not only will it be highly visible from the heath (e.g. Agglestone Rock), from parts of the village, but also very clearly from the sea
- **Loss of trees:** 40 trees are to be cut down. Whilst there is a replacement plan, there is no clarity of the type and size of trees to replace the mature trees being cut down; inevitably the mature trees would only be replaced by smaller saplings, changing the character of the site
- **Highway issues:** we believe the highway and transport plans outlined are totally inadequate and are inaccurate. The hotel / resort will have a higher number of guests than the current hotel, and will have a much greater number of staff. The guests arriving, especially in the larger

flats, will come in multiple cars. The 5 star, 24 hour nature of the hotel will require staff arriving and leaving throughout the day and possibly night. Not all staff will want to come by shuttles and will need car parking space, as well as increasing traffic volumes. As the hotel is proposed to operate 12 months a year, as opposed to 9 as currently, these will be year around issues.

Other objections and concerns:

- **Lack of staff accommodation:** we do not believe that the hotel will be able to function without some staff accommodation. Given the aspirations of the hotel to provide a 5 star service, this will mean having some staff available on site
- **Lack of car parking:** despite the large increase in number of residents and staff, only four additional car parking spaces (83 as opposed to 79 currently) will be provided; this issue is compounded by the fact that most staff are currently residential, whereas under the proposed plans, no staff will be residential and therefore will require to travel to the site. We find this astounding, and believe the hotel will require much greater volumes of car parking space; if this is not provided, then there is the potential that staff and guest will find other car parking spaces in Studland e.g. in NT car parks, or on the roads.
- **Impact on infra-structure of Studland:** the roads and utilities for Studland are designed for a small village, with some seasonal fluctuations. However, the size of the hotel will lead to increased usage of roads and other utilities throughout the year
- **Construction noise / traffic:** the scale of the development will lead to a huge increase in construction traffic – which will predominately use the Ferry Road / Swanage Road, and the Studland to Corfe Castle Road: these are relatively narrow roads not suitable for large volumes of large and wide lorries. The number of ongoing service vehicles will also increase – compared to now – due to the size and scale of the hotel: this will increase traffic flows.
- **Safety of foot pedestrians:** there is no pavement between Studland and the hotel, which means that hotel residents who wish to use facilities in Studland – such as the shop, Social Club, pub, or Church – will either have to walk along the road, or drive (increasing traffic flows and parking issues in the village)
- **Light pollution at night:** being an AONB, Studland is very dark at night, with very few street lights. Having a hotel of the size of that proposed would lead to a dramatic increase in light pollution, making the hotel very visible from several parts of Studland, the sea, and potentially from Bournemouth

### Support

- **Retail facility:** we are pleased that the hotel will have no retail facility. The current hotel is the largest single user of the shop in Studland – the Studland Stores – and loss of business from the hotel would challenge the viability of the shop.

**Additional comment made at Studland Parish Council meeting on 7 February 2022:-**

At a recent public meeting in Studland the majority of residents supported the idea of an upmarket development in Studland. Studland Parish Council hope the planners at Dorset Council and at Kingfisher / Knoll House Hotel can come to a solution that would allow a more suitable and sensitive development to go ahead.

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**Duration of meeting:** 10.00 am - 1.30 pm

**Chairman**

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