



Eastern Area Planning Committee

Date: Wednesday, 9 February 2022

Time: 10.00 am

Venue: MS Teams Live Event /Virtual

Membership: (Quorum 6)

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

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please telephone Democratic Services on 01305 251010 or David Northover on 01305 224175 -

david.northover@dorsetcouncil.gov.uk



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Members of the public are welcome to view the proceedings of this meeting, with the exception of any items listed in the exempt part of this agenda, via the MS Teams Live Event (please see link below)

Link for the meeting:-

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 7 February 2022**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Committee wishes to address the Committee, they will be allowed 3 minutes to do so and will be invited to speak provided that they have notified the Democratic Services Officer by **8.30am on Monday 7 February 2022**. **Please note** that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Using social media at virtual meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

Please Note:

On 16 December 2021 the Chief Executive exercised his delegated power to act in a case of emergency **so as to be able to continue to hold virtual meetings** reflecting the emergence of Omicron and the rise in COVID cases locally, in order to protect elected members, staff and the public and be able carry out the business of the council.

Where a decision is required, committee members will express a 'minded to' decision in respect of recommendations set out in officer reports, with decisions being made under officer delegated authority in the light of 'minded to' decisions expressed by members in the virtual meetings.

Accordingly, this meeting has those arrangements in place.

A G E N D A

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 MINUTES

To receive and note the minutes of the meeting held on 5 January 2022, **to be included with any Update Sheet, Speaker's List and Written Representations, as necessary**. These minutes can be formally confirmed at the next meeting - which is scheduled to be held 'in person' at the Allendale Centre, on 9 March 2022.

4 PUBLIC PARTICIPATION

5 - 6

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

5 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

7 - 22

To consider a report by the Head of Planning.

- 6 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,** 23 - 62

To consider a report by the Head of Planning.

- 7 6/2021/0204 - DEMOLITION OF SINGLE STOREY CLASSROOM BUILDING AND CONSTRUCTION OF REPLACEMENT TWO STOREY CLASSROOM BUILDING AT LYTCHETT MINSTER SCHOOL, LYTCHETT MINSTER, DORSET** 63 - 76

To consider a report by the Head of Planning.

8 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

Dorset Council

Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Committee meetings – effective from 29 July 2020

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the Committee.

2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am, two working days prior to the date of the Committee – **i.e. for a committee meeting on a Wednesday, written statements must be received by 8.30am on the Monday**. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the Committee agenda. The agendas for each meeting can be found on the Dorset Council website:-

<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.

4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.

5. This addendum applies to members of public (whether objecting or supporting an application), town and parish councils, planning agents and applicants. **The first three statements received from members of the public, for and against the application, (maximum six in total) will be read out, together with any statement from the Town and Parish Council, in its own right.**

6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting – by the 8.30 am deadline above - so those arrangements can be put in place.

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Application Number:	SEC/2020/0001		
Webpage:	Planning application: SEC/2020/0001 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Former St Marys School, Manor Road, Swanage, BH19 2BH		
Proposal:	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) to remove requirement for affordable housing		
Applicant name:	Bracken Developments Ltd		
Case Officer:	Peter Walters		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	26/07/2020	Officer site visit date:	N/A
Decision due date:	11/09/2020		

- 1.0** The application was referred to the Eastern Area Planning Committee on 5th January 2022 as the application seeks to vary an application previously considered at Committee in 2018 (the former Purbeck Planning Committee).

The Committee deferred consideration of the application for the following reasons:

- To allow further time for discussion with the applicants regarding the viability of the development.

2.0 Summary of recommendation:

That the Committee would be minded to grant the application to allow the removal of the Section 106 legal agreement from application 6/2018/0493.

3.0 Reason for the recommendation: as set out in paragraph 16 at end of the report.

- It has been demonstrated that the proposed development is not viable if affordable housing is required.

4.0 Key consideration

Issue	Conclusion
Impact on viability of the development	The development is not considered to be viable if affordable housing is provided.

- 4.1 The application was presented to the Eastern Area Planning Committee on 5th January 2022 and deferred for the reasons set out below. The following report has been updated in relation to these items as identified in paragraph titles and updated text is highlighted in **BOLD** font.
- To allow further time for discussion with the applicants regarding the viability of the development.
- 4.2 A meeting took place between the case officer and the applicant, their planning agent and their financial consultant to address the matters resulting in the deferral of the application. A subsequent supporting statement has been submitted by the applicant, the details of which are detailed in paragraph 15.01.

5.0 Description of Site

(update not required – no change to the description of the site)

- 5.1 The site, with an area of 0.54 hectares (1.34 acres) is located to the west of Swanage Town Centre. Access to the site is from Manor Road to the south of the High Street. The site is terraced, with five different levels and slopes downwards in a northern direction towards the High Street. The site is located within the Swanage settlement boundary, within the Dorset Area of Outstanding Natural Beauty and within Swanage Conservation Area and close to several Listed Buildings (all Grade II). The site is also identified as being an area of high townscape value in the Swanage Local Plan. The site comprises the former St Mary's School, now vacant, following relocation to a new site in Northbrook Road, Swanage. The school buildings are located within the northern part of the site.
- 5.2 The main school buildings are constructed of stone elevations with flat, felt covered and part pitched tiled roofs. Others are temporary portable and lean-to structures. The buildings were used as a mixture of classrooms, hall, library and administrative facilities. The southern part of the site is dominated with hardstanding, with top highest terrace being a former parking area and the next terrace down being a playground. The next terrace down is a grass field. An area of hardstanding and temporary portable structures are located on the fourth terrace. On the last terrace is the old school buildings and a portable structure located to the west of the old school which, was formerly used as a pre-school.

5.3 There is a pedestrian footpath along the eastern boundary of the site. Immediately to the north of the site is a row of 19th Century terraced houses identified as positive buildings within the Conservation Area. The listed (Grade II) Methodist Church is located to the north of this terrace, with its open parking area fronting the high street. Residential properties are located to the west of the site in Queens Mead, with rear gardens separated from the site by Chapel Lane, a walled pedestrian route. A 3m high wall separates the site and Chapel Lane. A similar walled pedestrian path known as Sunshine Walk runs alongside the southern site boundary. This boundary varies in height from about 2m to about 3m. Along the eastern boundary is a Purbeck stone wall, which is listed due to being within the curtilage of Purbeck House Hotel.

6.0 Description of Application

(update not required – no change to the description of the application)

6.1 The applicant is seeking to remove the obligation in the Section 106 legal agreement attached to the accompanying planning permission to provide 11 affordable housing units, on the basis that providing the affordable housing would render the proposal unviable. It should be noted that the proposal does not affect the development itself and so does not involve any changes to the design, layout, landscaping, access, parking or quantum of development.

It is proposed to implement permission 6/2020/0532 which granted permission for the conversion of existing building to form 10 dwellings and erect 20 new dwellings without any affordable housing provision.

7.0 Relevant Planning History

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Decision issued
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. : Former St Marys School, Manor Road, Swanage, BH19 2BH	Committee resolution to Approve subject to Section 106 Legal agreement 30.01.2019	02/04/2019
The decision to grant consent was subject to a Legal agreement dated 28 th March 2019 (under section 106 of the Town and Country Planning Act 1990) to secure 11 no affordable housing units intended for affordable rented or shared ownership			
6/2018/0494/LB	Demolition of raised water tank & restoration of the summer house	Approved	27/11/2018

Listed Building consent	: Land at entrance of former St Marys School, Manor Road, Swanage, BH19 2BH		
6/2019/0577	Removal of condition 19 of 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) to allow unrestricted occupation of the dwellings : Former St Marys School, Manor Road, Swanage, BH19 2BH	Refused	21/04/2020
<p>Officer note: Condition 19 of planning permission 6/2020/0432, had required that: The properties shall only be occupied by a person as his or her only or principal home. The occupier shall supply to the Council (within 14 working days of the Council's request to do so) such information as the Council may reasonably require in order to determine compliance with this condition.</p> <p>Reason: To ensure that the approved properties are not used as second homes, which would harm the sustainability of local communities and would not contribute towards meeting local housing need.</p> <p>Summary Reasons for refusal for application 6/2019/0577: The provision of an open market home, would undermine the Local Planning Authority's ability to manage the number of new homes which are built as, or become, second homes in the Area of Outstanding Natural Beauty. contrary to Policy H14 of the emerging Purbeck Local Plan and paragraph 8 of the NPPF. The Council considered that significant weight could be attached to emerging Policy H14 consistent with Paragraph 48 of the NPPF.</p>			
6/2020/0432	Removal of condition 19 of 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) to allow unrestricted occupation of the dwellings	Approved	07/12/2020
<p>Officer note: In the light of appeal decision APP/D1265/W/20/3252152 and the award of costs against the council, it was considered premature to apply this policy. The original S106 remains applicable to this permission.</p>			

8.0 List of Constraints

(update not required – no change to the constraints)

Within Swanage Conservation Area

Within Dorset AONB

Adjacent to Grade II listed building – Clarence Cottage and East Boundary Walls to Garden - Distance: 12m from site

Adjacent to Grade II listed building – The Methodist Church and Hall Immediately East and Boundary Walls to West and North – Distance: 17m from site

Adjacent to Grade II listed building – Stables and Outbuildings to Purbeck House – Distance: 19m from site

9.0 Consultations

(update not required – no change to consultations)

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

Consultees

1. Town Council - Swanage

- Objection
- Considered that circumstances have not significantly materially changed since planning application was submitted.
- Considers that the proposal will have a material adverse impact on local housing needs.

2. Dorset Council – Ward Member – Cllr Trite

- Objection
- Considers that the removal of affordable housing is not justified

3. District Valuation Service (DVS)

- Considers that based on the details provided that the proposal is no longer viable if affordable housing is included as part of the scheme.

Representations received

In addition to letters to neighbouring properties, a site notice was posted on the site on with an expiry date for consultation of 12th June 2020. An advert was also published in the local newspaper with an expiry date of 26th July 2020.

Total - Objections	Total - No Objections	Total - Comments
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7	0	0
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Summary of Comments against:

- Affordable housing is needed in Swanage.
- Purbeck area already extremely expensive to live in.
- Hard to understand what has changed significantly since the application was submitted.
- **Corporate priority for the provision of affordable housing**

10.0 Relevant Policies

(update not required – no change to the relevant policies)

Development Plan:

Purbeck Local Plan Part 1 (2012):

- Policy SD - Presumption in favour of sustainable development
Policy AH - Affordable Housing

Swanage Local Plan

Policy SS: Swanage Settlement

Material considerations

Emerging Purbeck Local Plan

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- H11 Affordable Housing
- H14 Second Homes

National Planning Policy Framework (NPPF) revised June 2021

Paragraph 57 of the NPPF states:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.”*

Paragraph 58 of the NPPF states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

Other material considerations

Purbeck Affordable Housing SPD

11.0 Human rights

(update not required – no change to the impact upon 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.

12.0 Public Sector Equalities Duty

(update not required – no change to the 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.

- The proposal does not include any physical changes to the previously approved scheme where this matter is considered.

13.0 Financial benefits

(update not required – no change to the financial benefits)

- None

14.0 Climate Implications

(update not required – no change to the climate implications)

14.1 The proposal is to remove the requirement for the provision of affordable housing. This will not have any climate implications.

15.0 Planning Assessment

15.1 Subsequent to the deferral of this item in the planning committee, the applicant has submitted an additional supporting statement that seeks to clarify matters raised during the committee meeting. They are as follows:

- **Site ownership – the applicant confirms that since the application was submitted, they have purchased the site. Therefore there is no prospect for further negotiation on the price to be paid to purchase the land.**
- **The applicant confirms that on other developments they have provided affordable housing where it is possible to do so.**
- **The applicant advises that banks will not finance a development with a profit of less than 15% Gross Development Value (GDV). While private lending can be attained when a lower profit margin is expected, it tends**

to attract higher interest rates which would render the development unviable.

- **The applicant considers that the proposal is 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 notes that the Dorset Council Constitution states 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 states that members are asked to accept the professional recommendation provided by their own expert and independent consultant that the conclusion of the appraisal is sound.**

15.2 With the exception of the provision of affordable housing the proposal would be identical to that previously approved under extant permission 6/2020/0532 which varied the conditions attached to 6/2018/0493. Both permissions are subject to a planning obligation which secures 11 units of affordable housing to make the development acceptable in relation to Local Plan policy AH.

15.3 Policy AH seeks to secure affordable housing contributions but recognises that there will be occasions where exceptional circumstances make this requirement unviable and so provides the opportunity for viability to be appraised.

15.4 It is necessary to consider whether the applicant has demonstrated in accordance with policy AH that there are significant economic viability constraints that would prevent the provision of affordable housing, such that the proposal would be acceptable in the absence of the planning obligation.

Impact on viability of the development

15.5 The applicant has applied to remove the S106 legal agreement that requires the provision of 11 affordable housing units as part of the development. In this instance, Policy AH of the Purbeck Local Plan allows for development of 100% open market housing where it can be satisfactorily demonstrated that a scheme with affordable housing is not viable. Therefore, if the viability argument is satisfied, the S106 agreement can be removed without resulting in the approved scheme being contrary to the Development Plan. Following the grant of planning permission for the

application, the applicant has undertaken a review of the viability of the scheme. The report states that:

“The viability review demonstrates that the site is not deliverable within the current planning gain framework. The reasons for this are the significant CIL contributions, the on-site abnormal works costs and the provision of affordable housing. The CIL charge and abnormal works costs cannot be reduced and as such the project will only come forward on the basis of 100% private sales scheme and even then only on the basis of a reduced profit margin”.

15.6 The applicant therefore contends that on the basis of the increased CIL charge and the abnormal costs associated with developing the site along with the high Existing and Alternative Land Use Values the proposal is therefore no longer viable if the requirement to provide affordable housing remains. These increased costs are set out in more detail below.

15.7 The applicant states that abnormal costs, some of which have come to light following the grant of the original planning permission have increased the overall cost of development and resulted in a scheme that is unviable. They state the following costs are abnormal:

• Demolition of Tower	£25,000
• Clearance (slab & structures)	£50,000
• Off Site Heritage Conservation	£45,000
• Underbuild	£38,700
• Retaining walls 1.5m	£168,000
• Attenuation & Hydrobreak	£20,000

15.8 The demolition of the water tower is necessary to provide access to the site, and was approved as part of the original planning application. The site is currently occupied by a number of former school buildings which would not be retained as part of the proposals. The off-site heritage costs were also agreed as part of the planning application. The underbuild relates to some of the parking provision.

15.9 The Council has secured advice from the District Valuer Services (DVS) to assess the applicant's viability review. The District Valuer (DV) acknowledges that although the parking could be provided elsewhere, this is likely to have an impact on property values (as it would require the use of other open space) and therefore the subsequent decrease in property values would have a similar impact to the viability of the scheme. The retaining walls are required due to the topography of the site, which is on an incline and the attenuation and hydrobreak are additional measures required to drain the site successfully. In terms of the values provided for each of these abnormal costs, these have been independently verified by the District Valuer as being reasonable. As a result, the total additional costs are £346,700 in addition to the normal costs of developing the site.

- 15.10 Officers have discussed with the DVS whether the submitted costs should be considered to be abnormal, given that the developer would have been aware of many of these costs at the point of submitting an application. However, the Planning Practice Guidance (PPG) describes abnormal costs as:

How should costs be defined for the purpose of viability assessment?

Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Plan makers should identify where costs are unknown and identify where further viability assessment may support a planning application.

Costs include:

- build costs based on appropriate data, for example that of the Building Cost Information Service
- abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value

Planning Practice Guidance Paragraph: 012 Reference ID: 10-012-20180724

- 15.11 The DV, on the basis of the PPG set out above, advise that the costs that the applicant has submitted as abnormal costs are within the definition above. As a result, they consider that it is acceptable and reasonable for those costs to be taken into account, even if they did not form part of the original assessment.
- 15.12 The development of the site is based on using the BCIS Upper Quartile Rate for development. Although the DV, who provided independent evaluation of the figures, initially raised concerns about the use of the Upper Quartile rate, they have now accepted that this is the correct rate to use as the site is situated within the Swanage Conservation Area and therefore the materials schedule is more expensive than would otherwise be the case. The use of the BCIS Upper Quartile Rate was considered to be acceptable when the parent application (6/2018/0493) was submitted. Officers consider that it is reasonable to continue to use this as the base rate.
- 15.13 As a result of these costs, the overall cost of developing the site is increased to £5,619,774. This proposal includes a 5% contingency for the new build development and a 10% contingency for the refurbishment element of the development. This provides a blended contingency of 5.9% across the whole project (as the new build element accounts for a larger proportion of the development).

- 15.14 The revenue from affordable housing is lower than open market housing, and this has an impact on the viability of the scheme.
- 15.15 The applicant also cites the increase in CIL rates as affecting the viability of the development. The CIL Charging Schedule is reviewed on an annual basis. At the present time for residential developments, the charge is £256.15 per square metre in Swanage, which is higher than at the time the decision was issued. It is noted that the approved scheme included relief for the provision of the affordable housing. This meant that the CIL rate was £576,044. The removal of all affordable housing from the scheme will result in an increased CIL liability of £738,340, an increase of £215,779. The increased CIL liability is offset by the ability of the applicant to sell the residential units as open market housing.
- 15.16 The viability assessment completed by the applicant determined that the project residual value of the scheme will be -£801,444. This figure assumes that the scheme will be sold as 100% open market housing. The inclusion of affordable housing would have a greater impact on the viability of the scheme. The scheme can be delivered at a profit margin of 10.5% on the Gross Development Value (GDV), which is lower than the industry standard. **It is noted that the Planning Practice Guidance anticipates that development should expect to have a profit margin of 15% of the GDV. The applicant in their update has also stated that it is difficult to secure finance for development that falls below this threshold.**
- 15.17 The Council has employed by the District Valuer Service to provide an independent assessment of the viability appraisal. Policy AH of the Purbeck Local Plan Part 1 states that:
- Where it is considered that there are significant economic viability constraints that would prevent the provision of affordable housing in accordance with the policy, the applicant will be required to provide full justification of exceptional circumstances to the Council's satisfaction. Such justification will be expected to include a financial viability appraisal, site suitability appraisal, and development mix appraisal. This 'open book' approach will enable the Council to form a view on the viability of the proposed scheme, including the identification of economic constraints (for example, existing high use values) and their impact. The appraisal will be subject to independent verification, which the applicant will be expected to fund.
- 15.18 The District Valuer has considered the information provided against the current CIL rates and house prices. Officers asked the DV to consider whether a smaller contribution of affordable housing could be provided, as opposed to the provision of no affordable housing. The DV considered whether the level of affordable housing agreed at the time of the planning application could be provided (35%). They also considered the viability of the scheme with lower levels of affordable housing, initially considering that 6% affordable housing provision may be achievable. This was in

light of evidence provided in relation to the likely purchase value of the properties which resulted in a revised Benchmark Land Value.

15.19 However, the DV undertook further studies to establish the potential existing use value (EUV) of the site as well as reasonable alternative uses (AUV) for the site (which given the central location within the town is relatively high). On top of the existing use value is the premium of 20% for the landowner to sell the land. Additionally, a third-party landowner is also expected to receive a premium, calculated at £180,000. **The applicant has clarified that they have purchased the land since the application was submitted, and therefore there is no scope for negotiations regarding the land value to increase the viability of the site for the provision of affordable housing.**

15.20 This resulted in a Residual Land Value which was less than the adopted Benchmark Land Value that the DVS used when 6% affordable housing was considered (derived from the Existing Use Value (EUV)). This took account of the increase in CIL liability resulting from a higher proportion of open market houses that do not benefit from social housing relief from CIL. The DVS notes that for the proposed scheme to be judged as financially viable on this site the residual land value needs to be higher than the EUV and also offer a sufficient premium compared to other valuation approaches. As a result of this, the DVS advise that the site is not financially viable with the presence of any affordable housing on it.

15.21 The abnormal costs, along with the high land values and higher CIL rates in combination reduce the profit margin of the scheme to a point where, in the opinion of the DVS, only a 100% open market housing scheme is viable.

15.22 Policy AH of the Purbeck Local Plan Part 1 requires the applicant to justify not providing affordable homes on the grounds of viability. In this instance, officers consider that this is justified and therefore the proposal is compliant with the Development Plan. It is noted that there have been objections to the proposal by the Town Council and members of the public on the grounds of the need for affordable housing in the area. Officers acknowledge that this is the case. However, as set out above, the applicant is entitled to apply to remove the obligation and officers are satisfied that the viability assessment evidences that the development is not viable if affordable housing is provided and is therefore not contrary to Policy AH of the Purbeck Local Plan Part 1.

15.23 Following the deferral of the item by the Eastern Planning Committee on 5th January 2022 to discuss viability further, officers have met with the applicant. For the reasons set out above, the applicant has reiterated that due to the costs of delivering the site, alongside the CIL rates, the scheme would not be viable if affordable housing is to be provided. As outlined above, the site is in

the ownership of the applicant, which does not afford further opportunities for negotiation with the landowner, as suggested by the Planning Committee.

Impact on the original planning balance

(update not required – no change to the impact on the original planning balance)

15.24 The original permission 6/2018/0493 was judged to be acceptable in all respects subject to conditions. The provision of affordable housing was to be secured in accordance with policy AH, but the benefit of affordable housing provision was not a deciding factor in judging the acceptability of the scheme which, subject to conditions, was in accordance with planning policy.

15.25 Since permission was granted the presumption in favour of sustainable development in accordance with paragraph 11 of the NPPF has become applicable in the Purbeck area due to the failure to meet the housing delivery test which renders the Local Plan housing policies out of date. The presumption in favour of sustainable development does not alter the acceptability of the development proposal which was not identified to result in harm to heritage assets or any other protected area or assets. Policy AH remains applicable and although the policy seeks affordable housing provision it also provides for situations where developers are able to fully justify proposals for housing schemes without affordable housing.

16.0 Conclusion

16.1 On the basis of the independent analysis of the viability statement submitted by the applicant, taking account of nationally recognised building cost figures, the approved development is not considered to be viable if affordable housing needs to be provided. **Following deferral by the Planning Committee on 5th January 2022, officers have further discussed with the applicant whether there are opportunities to improve the viability of the scheme and none have been identified.** Officers therefore consider that permission should be granted for the removal of the Section 106 legal agreement in accordance with Policy AH: Affordable Housing of the Purbeck Local Plan Part 1.

17.0 Recommendation

(update not required – no change to the recommendation)

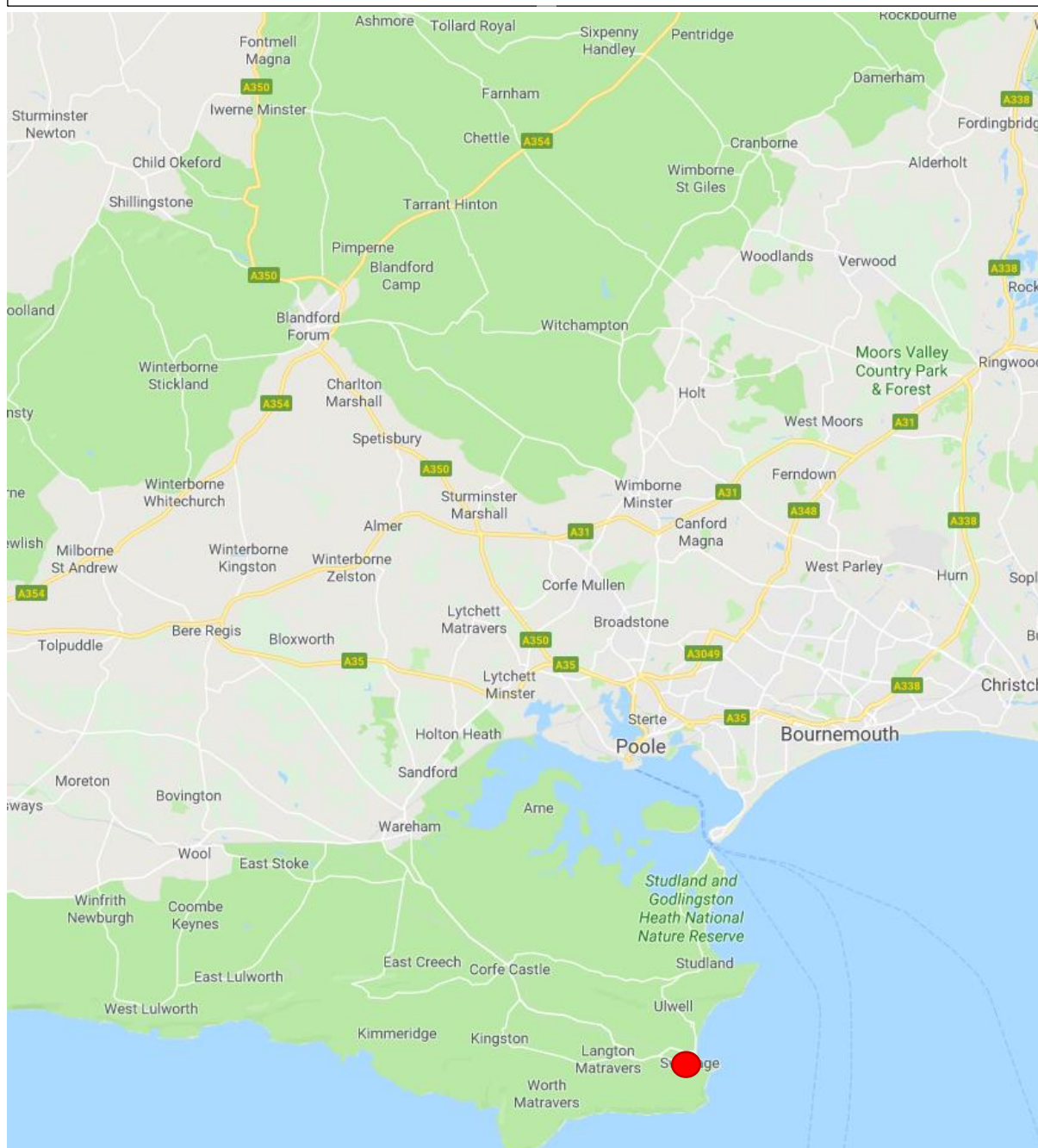
That the Committee would be minded to grant the application to allow the removal of the Section 106 legal agreement from application 6/2018/0493.

● Approximate Site Location

Application reference: SEC/2020/0001

Site address: Former St Marys School, Manor Road, Swanage, BH19 2BH

Proposal: 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) to remove requirement for affordable housing



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Application Number:	6/2018/0566
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Knoll House Hotel Ltd, Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH
Proposal:	Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development)
Applicant name:	Mr Nigel Chapman
Case Officer:	Andrew Collins
Ward Member(s):	Cllr Brooks

Publicity expiry date: 10 December 2019	Officer Site Visit date: 22 November 2018
Decision issue date: 29 November 2019	Extension of time: 25 February 2022

1.0 This application is before committee at the request of the Service Manager for Development Management and Enforcement in order to consider the economic benefits and the visual, ecological and environmental impacts of the proposal.

2.0 Summary of recommendation:

Refuse for the following reasons:

- Scale, form and massing
- Heathland impacts

3.0 Reason for the recommendation: as set out in paras 16 at end

- 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.
- 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.
- Economic benefits do not outweigh harm

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Unacceptable
Scale, design, impact on character and appearance	Unacceptable
Impact upon the Dorset Area of Outstanding Natural Beauty (AONB)	Unacceptable
Impact upon the Dorset Heritage Coast	Unacceptable
Impact upon National, European and internationally protected wildlife sites including Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Ramsar sites	Unacceptable
Impact on the living conditions of the occupants of neighbouring properties	Acceptable
The impact of the proposals on the significance of heritage assets, their features of special architectural or historical interest, and their preservation	Acceptable
Impact upon Trees	Acceptable
Economic benefits	There is no doubt there would be economic benefits resulting from the proposal but these would not outweigh the substantial harm identified, contrary to adopted Purbeck Local Plan Policies TA and CO.
Access and Parking	Acceptable
Flooding / Drainage	Acceptable
Impact Upon Setting of UNESCO Jurassic Coast World Heritage Site	Acceptable
Environmental Impact Assessment	The application is supported with an Environmental Impact Assessment. The issues initially scoped in regarding the impact upon the AONB due to the scale and mass and the impact upon the Dorset heathlands and protected areas have still not been adequately addressed.

5.0 Description of Site

The site

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Knoll House was built in the early 1900s and subsequently became a small country hotel in 1931. During the Second World War the hotel was requisitioned for troops erecting beach defences and following the war the hotel reopened in 1946. The site covers an area of 2Ha and is located 400 metres inland of Studland Bay. The hotel and grounds lay to the west of Ferry Road, which connects the village to Studland to Studland Beach and the Shell Bay ferry terminal 2.5 miles to the north. There are currently approximately 30 buildings onsite including the main hotel building, additional accommodation, an indoor swimming pool and storage sheds, in addition to a significant amount of hardstanding which make up the site access and car parking area.

Currently, the hotel comprises of 106 guest bedrooms alongside ancillary facilities such as an indoor and outdoor pool and restaurant. These facilities are primarily used by guests and until 2017; the use of these facilities by non-guests has not typically been encouraged. Traditionally, the hotel has operated seasonally, closing for a short period in the winter. Staff have been predominantly employed on a contract basis, arriving when the hotel opened and leaving the area again when the hotel closed. This necessitated the provision of 57 on-site staff accommodation units, in addition to the 106 hotel rooms for guests and equating to 163 rooms in total when operating at full capacity. However, a number of rooms are currently unused and would require refurbishment.

The site is immediately bordered to the east by the B3351 Ferry Road, with land associated with the hotel beyond, accommodating an informal golf course, tennis courts and space for informal recreation. To the immediate south are open fields and to the west and north are heavily wooded areas. These areas fall within a leasehold from the National Trust, but have been, and continue to be, managed by the Hotel.

The site and the whole of the Southern part of Purbeck is within the designated Dorset Area of Outstanding Natural Beauty (AONB) and this site is within the Purbeck Heritage Coast. The site is in close proximity to the designated UNESCO world heritage site Dorset and Devon Jurassic Coast (Natural site December 2021). The site is located in close proximity to Dorset Heathlands Special Protection Area (SPA) / Ramsar site (also designated as Studland & Godlingston Heath Site of Special Scientific Interest (SSSI), Dorset Heath and Studland Dunes Special Area of Conservation (SAC) and Poole Harbour SPA / Ramsar / Site of Special Scientific Interest (SSSI). An oak on the site and pines along the roadside frontage are protected with a Tree Preservation Order (TPO).

The landscape surrounding the site was considered vulnerable to invasion during the Second World War opposite the site are Grade II listed pillboxes. Two bowl barrows designated as Scheduled Monuments occupy land to the south of the development site. Although not on the register of Heritage at Risk, they are recorded as vulnerable to erosion and loss.

There are approximately 30 buildings covering a footprint of 4,817m². In total the existing hard standing amounts to 8,283m² across the 2ha site area. The site is not level with the land sloping steeply down towards the north western corner of the site. Buildings on site are mainly 2 storey with a single storey element of staff accommodation in the north western corner of the site.

The application has been confirmed as development which requires an Environmental Impact Assessment (EIA). The application has been accompanied

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with a Bat Survey Report, Ecological Impact Assessment, Arboricultural Assessment, National Vegetation Classification Survey, Drainage Strategy Visitor Survey Report, Drainage Strategy, Flood Risk Assessment, Design and Access Statement, Transport Assessment, with Framework Travel Plan, Landscape and Visual Impact Assessment, Heritage Statement, Statement of Community Involvement, Biodiversity Mitigation Plan, Environmental Statement and Non Technical Summary (plus an addendum that addresses changes to the scheme).

6.0 Description of Development

The applicants submit that the proposed redevelopment of Knoll House Hotel adopts a holistic approach to delivering a high-quality leisure and tourism resort, more suited to the modern tourism market. The application seeks to deliver a 5* tourism development at Knoll House to continue and expand existing tourist provision in Dorset. The proposal seeks to retain those elements of the original hotel which make a positive contribution to the character of the local area, including the retention and refurbishment of the front facade of the core hotel building which fronts onto Ferry Road. Further guest accommodation is proposed in the form of three new apartment buildings and 25 villas to the rear of the hotel building and the provision of leisure facilities to include indoor and outdoor swimming pools, fitness suite, spa and treatment facilities, function room, casual dining bistro and associated staff areas.

The redevelopment of Knoll House Hotel re-plans the site to provide a range of accommodation types including the refurbishment and extension, following partial demolition of the main house to provide a 30 bed hotel; and provision of apartments (41 units), villas (6 units) and maisonettes (16 units) to provide a range of accommodation types and size to cater for large families down to individuals. This level was amended to address concerns expressed from holiday apartments (43 units) and holiday villas (20).

In summary the following accommodation is proposed:

- 30 bed hotel
- 39no x 2 bed (4 person) apartments
- 2no x 3 bed (6 person) apartments
- 16no x 2 bed (4 person) maisonettes
- 2no x 2 bed (4 person) villas
- 4no x 3 bed (6 person) villas
- **Total keys (lettable units) = 93**
- **Total beds = 162**

The proposed redevelopment is intended to improve the hotel rating and reduce the overall number of lettable units from 106 to 93. The site will operate year-round rather than seasonally, as it has done in the past.

The hotel currently has 106 rooms for guests with a further 57 accommodation units for employees of the hotel. The hotel is able to accommodate 273 guests at full capacity- as well as 66 staff. In total 330 people can currently be accommodated on site.

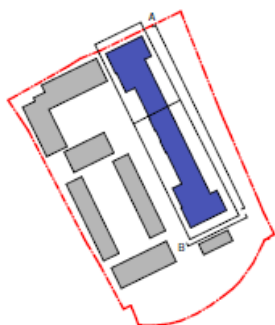
The application seeks to extend and partially refurbish the existing hotel with 30 hotel rooms and a further 63 new holiday apartments / villas erected to the rear. The redeveloped hotel complex will incorporate ancillary leisure facilities, including a

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restaurant, bistro, gym, swimming pool and spa. It is intended that the premises will accommodate up to 324 guests on-site at full capacity. The existing staff accommodation will be lost, the proposed development does not include provision for staff accommodation.

In detail, the majority of the buildings on the site are proposed to be demolished. The exception to this being the historic road fronted hotel building (Building A).

Building A

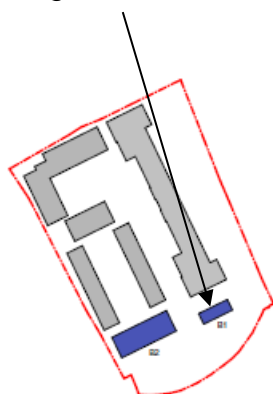


This building will accommodate the 30 bed hotel.

More recent extensions to the north and south of the original hotel building are to be demolished with new two storey extensions to these sides. A new colonnade is proposed, at the hotel entrance (east) to reflect the historic part of the building with the new two storey extensions at either end of the building (n and s) 'bookmarking' its appearance. The partially refurbished / extended 2 storey hotel building (Building A) measures approximately 61.5m by approximately 12.5m with a maximum height (when viewed from the north), of 13.5m. The main section of building measures 8.1m in height.

Materials for Building A are proposed to include a mix of white render, brick and Purbeck stone. For the larger elements these are proposed to be finished in plain tiles.

Building B1



Building B1 is two storey and accommodates 2 x double bedroomed villas.

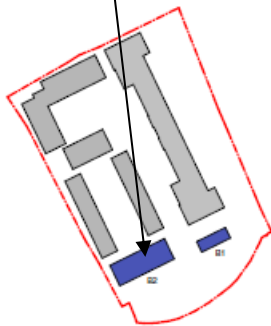
Building B1 is located in the south-eastern corner of the site This building is approximately 20m by approximately 7.5m with a maximum height of approximately

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10m when viewed from the East due to changing levels across the site. This building is proposed to be constructed of tile hanging over a brick plinth and a clay tile roof.

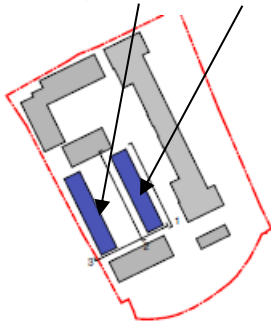
To the rear of the hotel 4 buildings surround a courtyard. These comprise buildings B2, C1, C2 and C3.

Building B2



Building B2 is located on the southern boundary and is proposed to be approximately 38m by approximately 15m and 2 stories in height to a maximum of approximately 12m. Building B2 contains 8 no 2 bedroomed apartments with elevations faced in plain clay tiles under a plain clay tile roof.

Buildings C1 and C2

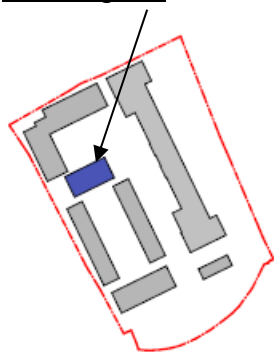


Building C1 and C2 are similar in design and form being approximately 108m in length and approximately 25m in width. These buildings are 3 stories high to a maximum height of approximately 23m.

Buildings C1 and C2 comprise 2 bedroom apartments and villas. The materials are a light textured brick on ground floor elevations with anodised copper cladding to the roof and upper elevations. Diagonal cross copper cladding is proposed on the gable ends.

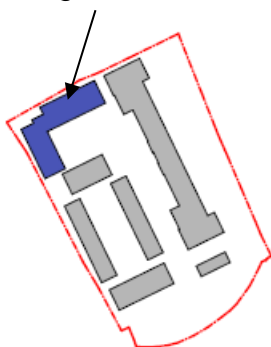
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Building C3



This building proposes 2 and 3 bedroomed apartments arranged over 3 floors. Building C3 is located at the northern end of the courtyard and is proposed to measure approximately 56m in length and approximately 30m in width. This building is 26.5m in height and is proposed to be finished in an anodised copper cladding roof and wall over a brick ground floor with large picture window facing south. Diagonal cross copper cladding is proposed to the gables.

Building D



Building D is to be located in the north-western corner and be an 'L' shape. The building is proposed to be approximately 55m in length by approximately 14m in width with a flat roof.

There are currently significant levels differences along the Northern boundary. As such this building is a mix of 3 and 4 stories high, with a maximum height of approximately 18m. It was originally proposed to have a roof lantern on the top of this building raising the height an additional storey. This element has been omitted.

The building accommodates treatment rooms, gym, fitness studio and nail bar in the basement with 2 swimming pools (1 inside and 1 outside) and associated facilities and a bistro / breakfast room at ground floor. The remainder of the floors would house apartments.

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Buff coloured bricks and timber cladding are proposed for the external elevations. The long expanse of brickwork is relieved by apartment windows and glazed doors and balustrading to the upper floors.

7.0 Relevant Planning History

6/1974/0264 - Erect timber building. - Approved
6/1977/0636 - Extension to existing dining room. - Approved
6/1978/0884 - Erect extension to still room. - Approved
6/1979/0270 - Erect prefabricated extensions to existing building to accommodate staff. - Approved
6/1979/0704 - Erect addition to garages/store to form staff accommodation. - Approved
6/1976/0814 - Addition of fire escape stair and mansard roof. - Approved
6/1981/0793 - Retain staff accommodation on permanent basis. - Approved
6/1984/0643 - Form shop unit ancillary to hotel use. - Approved
6/1984/0737 - Form spa bath facilities ancillary to hotel use (amended scheme). - Approved
6/1986/0578 - Relief from Condition 2 of P.A. 6/84/643 restricting use of shop unit to residents and guests of hotel. - Approved
6/1987/0402 - Demolish existing staff accommodation building & erect new building to accommodate permanent and temporary staff. - Approved
6/1989/1133 - Erect first floor extension to staff accommodation building. - Approved
EA1/2017/0002 - EIA Screening Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping
EA1/2018/0005 - EIA Screening Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping
EA2/2018/0001 - EIA Scoping Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car park
EA2/2018/0002 - EIA Scoping Opinion - Redevelopment of Knoll House to include the partial demolition of the existing hotel building & the erection of a new hotel extension to include 30 rooms, 38 apartments, 25 villas & ancillary leisure facilities & associated car parking, servicing & landscaping

PAP/2017/0101 Pre-app advice. Early engagement was undertaken in joint meetings between the District Council planning and design officer and the then County Council highway officer, the Dorset AONB Landscape Officer and Natural England.

Clear guidance was given that the site was in a very sensitive location and that it would need to be demonstrated that there would be no harm to the AONB and International, European and National protected sites (Ramsar, SPA, SAC and SSSI). An objection was raised over the overall scale and massing of the buildings, especially in relation to the glazed box on block D. Also, an objection was raised

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about how would mitigation be provided given that this was on third party land owned by the National Trust.

Despite this clear guidance and the information provided in the screening opinions, the application as originally submitted with the glazed box still in place. The application was amended in September 2019 when the glazed box was omitted and a change of materials to more subdued finish is now proposed.

The agent has challenged the consideration that this is a major development within the AONB. There is an understanding with the agent that they agree to disagree on the impact upon the landscape and visual impact upon the AONB.

During the course of the application, the fundamental issues in relation to the impact upon the protected sites has been worked upon by the applicant to address the objections from Natural England. This has resulted in lengthy delays. But a recent continued dialogue with the agent and Natural England has been undertaken within the last few months. This has resulted in further clarification on the operation of the hotel and the potential draft heads of terms for a Section 106 to address off site mitigation. In order to provide comprehensive comments on these matters a final formal response from Natural England was provided on 3 December 2021. Further clarification was received on 26 January 2022. Discussions have continued with the applicant, Natural England and the Council with the last meeting on 1 February 2022. Due to these ongoing discussions, there may be an update to the Members at the time of the Committee.

8.0 List of Constraints

Tree preservation order on site

Site of specific scientific interest, Special Protection Area, Special area of conservation, Ramsar site

Dorset Area of Outstanding Natural Beauty (AONB) (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

Heathland Consultation Area – within 400m

Dorset Heritage Coast

UNESCO World Heritage site Jurassic Coast within 650m

9.0 Consultations

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

Consultees

National Planning Casework Unit

No comment to make on the environmental statement.

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National Trust (30/11/18, 20/12/18)

Object

- The National Trust owns the land surrounding the hotel site.
- The Trust has a statutory duty under the National Trust Acts to promote the conservation of places of historic interest and natural beauty.
- The Trust leases some of its land immediately around the hotel site to the freeholder (the blue line in the applicant's site plans shows the outer edge of this area). The planning application appears to propose site works and tree planting in this leased area.
- There is scope to renew some of the hotel through sensitive redevelopment and wish to see the site still operate as a hotel.
- Objection raised over the amount and scale of the proposals, increasing from mostly 2 storey to up to 5 storey. [albeit amended plans show up to 4 storey].
- The hotel with staff accommodation was not open all year round. The proposal proposes a resort with a significant amount of self contained guest villas and flats, which in planning terms are C3 uses which could be functioned as holiday lets or second homes. The hotel would only be a small proportion of accommodation on the site.
- Concerns over the scale and massing on the Dorset AONB and character and appearance of Studland and the surrounding protected heathlands.
- Insufficient information has been provided to conclude that there would not be any likely significant effects, under the Habitats Regulation Assessment and Appropriate Assessment. Concerns over the way the information has been presented by the keys and the increase in people on the site. Concerns over highways impact which is considered to have been downplayed and flawed as the built development on the site will more than double. The proposals represent major development in the AONB

Natural England - Somerset and Dorset Team (14/12/21)

Object.

Natural England object to the application which:

- Is contrary to Local Plan policy and would result in an increase of 63 C3 units within 400m of the designated heathland sites which will lead to a net increase in recreational pressure.
- The applicant has not demonstrated that they can secure land necessary for mitigation in perpetuity because it is leased from the National Trust and due to be renegotiated in March 2022.
- Evidence provided is not suitable to establish a conclusive baseline of guests use of the designated sites
- Surface water currently drains into the designated sites

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- Natural England concur with the views of the Dorset AONB Team that the visual impacts of the proposal cannot be moderated and that far from enhancing the AONB the proposal will have adverse impacts

Historic England

On the basis of the information available to date, do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Dorset AONB Team

Object. In original correspondence from 10 December 2018 the AONB Team's opinion was that the Scheme be regarded as 'major' development – this opinion still holds despite the amendments to the Scheme design. With regards the landscape element or third aspect of the 'major development' test it is still considered that there are clear grounds to consider that the Application fails this aspect of the test.

Owing to the landscape and visual sensitivities of the Site and its context maintains that the amended proposals would not conserve or enhance the character and appearance of the AONB. The Application would continue to generate significant adverse effects and would compromise the special qualities that underpin the AONB's designation. It is, therefore, considered that the Application would conflict with the following policies of the 2019 -2024 AONB Management Plan:

C1a, C1c, C1f, C2d, C2e, C2f, C4a, C4c, C4d, C4e, C4f, and C4g.

The proposed development would still give rise to significant adverse effects owing to its scale, form and location within the designated area.

DC - Arboricultural Team

No objection subject to conditions

The site layout previously proposed the removal of oak, T40. The layout has now been amended and this tree is to be retained with appropriate protection measures for the RPA. The trade-off is for some minor crown reduction to prevent accidental damage during construction; this is perfectly reasonable. The individual sweet chestnut, T82, is being retained and adequately protected with some minor crown reduction. T75 is also being retained and adequately protected with some minor crown reduction to prevent accidental damage during construction.

DC - Land Contamination

No objection (received 27/11/2018 and 17/09/19) subject to a standard contaminated land condition.

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DC - Design and Conservation

Objection (received 29/11/2018 and 10/10/2019)

Issue 1 – Scale and massing

The revised drawings show a reduction in scale and massing of building B1 and a reduction to part of the height of Block D. This reduction in height however makes little difference to its impact as this was already set back from the main elevation and only readable in long distance views. So this in combination with the welcomed reduction of block B1 is not considered as enough of an overall change.

Issue 2 – Design Building A

The only discernible difference in this version is the reference to frameless rooflights. Again a welcomed change but the main point of difference remains and that is the colonnade. It is acknowledged however this is clearly a design principle for the scheme, unfortunately.

The main concerns for this development proposal remain with issues surrounding scale and massing.

DC - Natural Environment Team

No Objection. An updated BMP was signed and a certificate issued.

DC - Transport Development Management

No Objection subject to conditions (received 9/10/19)

- Following a scheme redesign, the quantum of parking on site has marginally increased and the scale of the development (floor area) has decreased. The number of rooms has remained consistent nevertheless, but more detail has been added to the Travel Plan.
- The submitted Transport Statement is satisfactory and robust and that the proposed mitigation measures are both necessary and appropriate.
- Whilst it is accepted that the proposal will obviously increase traffic flows on the immediate highway network the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to the National Planning Policy Framework (NPPF).

DC - Lead Flood Authority

No objection (received 17/12/2019)

- The site falls within Flood Zone 1 (low risk of tidal / fluvial flooding) in accordance with the Environment Agency's (EA) indicative modelling and is only shown to be at minor theoretical risk of surface water flooding / ponding by

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relevant mapping during severe rainfall events (1:1000yr). BGS data suggests that the Knoll Hill area sits above a sedimentary bedrock of the Parkstone Sand Member, with no recorded superficial layers. Accordingly, we have indicated that the adoption of infiltration methodologies within this scheme would require suitable ground investigation and substantiation.

- Sections 5 & 7 of the revised DS document (07/11/2019) adequately address the concerns outlined within our earlier response/s and confirm that the proposed discharge rates have been corrected to match variable Greenfield rates, as required. The revised SWDS plan (07/11/2019) equally confirms layout, necessary SuDS infrastructure and proposed attenuation volumes.

DC – Tourism

Comments made (received 12/12/18)

- Knoll House Hotel
The aim to develop the hotel complex into a 5-star facility are welcomed in principle
The incorporation of the luxury spa development, also be used by day visitors, could be the first facility of its kind for the area.
- Parking
Has some concerns about the parking capacity.
- Staff travel and recruitment
The removal of staff accommodation could result in difficulty in employing staff as low cost housing rental accommodation is scarce in the Isle of Purbeck, with Studland and Swanage also having the additional issue of rental properties only being available in off peak months as they are rented for higher value tourism use in peak season.
Swanage business report that they find it hard to employ staff because of the daily travel costs travelling from the Poole and Bournemouth conurbations and because of the travel times during peak season.
public transport is not frequent enough to adequately supply the hotel with staff throughout the day and night, as it operates at times more suitable for tourists rather than a luxury hotel complex requiring catering and customer service staff working late shifts. There is only one bus route (Purbeck Breezer 50), this bus route can be full to capacity during peak season).
The service industry is known to have a proportion of its staff arriving early morning and leaving late at night. This bus service will not be able to provide that service.
There are no cycle lanes or street lighting linking Studland to residential areas. Staff cycling to work during non-daylight hours should not be factored in as an alternative to driving.

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- **New self-catering units**
choice of opting for serviced or self-catering and self-catering breaks /more nights per visit is good from a less journeys to location perspective.

Studland Parish Council

Objection (received 19/12/2018 and 14/10/19)

Revisions to the proposal do not sufficiently address the reasons for refusal previously stated - namely mass and impact of the development, harm to designations and inadequate parking.

Representations received

CPRE – Object

The council is required to give great weight to conserving and enhancing the natural beauty and outstanding value of landscapes. Consider that the application should be refused.

RSPB – Object

Reference is made to the protected areas of the SPA's and SAC's. Objections raised over the impact the proposals will have on these protected area. Have concerns regarding the scale and range of accommodation that is being proposed, combined with additional facilities risks increased visitor numbers and impact upon on protected areas.

Purbeck Transport Action Group – Raise Comments

Consider that there would be increased traffic during the demolition and construction phases. Concerns raised over traffic passing through Studland village and along the B3351. If the additional traffic coincided with seasonal holiday traffic there could be severe disruption. Wish that if appropriate conditions imposed on the numbers and timings of the movements to minimise disruption to local residents.

Total - Objections	Total - No Objections	Total - Comments
3	0	3

The following material planning considerations have been raised pertaining to the proposed development.

- Impacts upon visual intrusion from light pollution and enlarged site.
- Overdevelopment of the site will result in increased pressure on heathlands.
- The overall size and character of the building should be retained.
- This is a sensitive site, does it need a very urban architecture.

10.0 Relevant Policies

Development Plan

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- **Purbeck Local Plan Part 1** adopted 13 November 2012

Policy SD: Presumption in favour of sustainable development,

Policy LD: General location of development,

Policy SE: South East Purbeck,

Policy CO: Countryside

Policy D: Design,

Policy LHH: Landscape, Historic Environment and Heritage.

Policy BIO: Biodiversity and Geodiversity,

Policy DH: Dorset Heaths International Designations,

Policy PH: Poole Harbour

Policy IAT: Improving Accessibility and Transport.

Policy TA: Tourist Accommodation

Material Considerations

- **Purbeck Local Plan 2018-2034**

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is scheduled to open in December 2021 and close early in January 2022. The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications and the scheduled consultation on Further Proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

E1: Landscape

E4: Assessing Flood Risk

E12: Design.

Other Material Planning Considerations

- **National Planning Policy Framework**

In particular:

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Section 2: Achieving sustainable development,

Section 4: decision-making,

Section 9: Promoting sustainable transport,

Section 12: Achieving well-designed places,

Section 14: Meeting the challenge of climate change, flooding and coastal change,

Section 15: Conserving and enhancing the natural environment,

Paragraph 176 “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

Paragraph 177 “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Footnote 60 to paragraphs 176 and 177 says,

“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

Paragraph 178 “Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 175), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”

Paragraph 180. “When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Paragraph 181. “The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 182. “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- **National planning practice guidance**
- **British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.**
- **The Dorset heathlands planning framework 2020-2025 supplementary planning document adopted 31 March 2020.**
- **Poole Harbour Recreation SPD**
- **Nitrates SPD**
- **Dorset biodiversity appraisal and mitigation plan.**

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- **Bournemouth, Poole and Dorset residential car parking study May 2011.**
- **Development contributions toward transport infrastructure in Purbeck guidance February 2013.**
- **Purbeck District design guide supplementary planning document adopted January 2014.**
- **Dorset AONB Management Plan 2019-2024**

C1 – The AONB and its setting is conserved and enhanced by good planning and development

C2 – Landscape assessment and monitoring is effective and supports good decision making

C4 – Development which has negative effects on the natural beauty of the AONB, its special qualities, ecosystem flows and natural processes is avoided

- **Dorset AONB Landscape Character Assessment & Management Guidance 2019**
- **Jurassic Coast Partnership Plan 2020 - 2025**

11.0 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.

12.0 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

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the requirements of the Public Sector Equalities Duty. The applicant has worked closely with Council Building Control Officers to obtain a level access into all the buildings. A lift access is provided within the hotel building and units B2, C3 and D, so that there is a range of accommodation available and access to the facilities in building D.

13.0 Financial benefits

Financial investment is proposed in the construction of the new hotel, when erected it is anticipated that the proposals will provide extra jobs and direct and indirect costs into the area.

Under the Community Infrastructure Levy (CIL) charging schedule in the 'Charging Schedule and Priorities for Spending' March 2014, for the former Purbeck area, C3 use is CIL liable. Based upon the demolished floor area and the new C3 use, under the BCIS TPI 332 the amount liable would be £1,650,686.12.

14.0 Climate Implications

Only the front part of the existing hotel is proposed to be retained. The proposal will result in an extensive rebuilding of the hotel to above minimum modern Building Regulation standards in Building Regulations Part L. In addition the following is proposed;

- Good U-values will reduce heat loss through the structure.
- Good air tightness will reduce energy loss through reduced infiltration.
- High performance glazing to maximise internal natural light and reduce artificial lighting load wherever possible.
- Natural ventilation will be utilised wherever possible to minimise the risk of summertime overheating.
- Use of local building materials and suppliers and reuse of existing materials where possible.
- Intend to utilise a Combined heat and power (CHP) plant that generates heat and power simultaneously. Hotels are particularly well suited to the use of CHP as there is a year around demand for heat. Heat will be required for domestic hot water and the swimming pool. CHP can significantly reduce carbon emissions compared to the separate means of conventional generation via a boiler and power station.
- In winter, heating requirements will be topped up using high efficiency LPG fired boiler plant which will serve all guest accommodation and other operational areas of the hotel. These systems will replace the oil-fired boiler plant currently utilised on site, (LPG has the lower carbon emissions than oil).
- Low energy and low water use appliances - energy and water usage will be extensively monitored through the use of sub-meters installed throughout the development.
- Whole house mechanical ventilation systems complete with heat recovery (MHVR) will be used in all villas and apartments.

15.0 Planning Assessment

The application has been processed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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Principle of development

The site is located outside of the settlement boundary for Studland and therefore in planning policy terms is located in open countryside.

The supporting statements to Policy TA (Tourist Accommodation) of the Purbeck Local Plan Part 1 recognises the importance that tourist accommodation has to the former Purbeck area. Policy TA supports proposals providing they are consistent with Policy CO (Countryside).

Policy CO of the adopted local plan states that development will be permitted in the countryside where it does not have a significant adverse impact either individually, or cumulatively on the environment visually, ecologically, or from traffic movements.

The policy also requires that alterations and extensions to buildings should not be disproportionate over and above the existing building and not detract from the character and setting of the original building.

The majority of the existing buildings on site would be demolished, retaining only the central historic part of the building. It is proposed that the total floorspace would be of 14,385 sqm (of which 7,366 sqm are apartments, 5,077sqm is hotel and 1,942 is assembly and leisure), this compares with 6,050 sqm floorspace at present.

The redevelopment pursues a significant increase in scale, with floorspace proposed to increase by approx. 250%. This growth is achieved by increasing the height of the new buildings and by pursuing a design that utilising areas where buildings are not presently located, within central and peripheral parts of the site area. The proposals therefore seek a significant intensification and expansion, both upwards and outwards, with some buildings being proposed in very close proximity to the site boundary.

The scale of the development is significantly greater than the existing hotel buildings.

As part of the redevelopment a number of self-catering units are proposed. Only building A would be retained as a traditional hotel. Therefore, the new accommodation in buildings B1, B2, C1, C2 C3 and D would all fall under the Use Classes Order 1987 (as amended) of C3 (Dwellings). The Dorset Heathlands Planning Framework 2020 – 2025 SPD restricts C3 dwellings within 400m of the heathlands, as is the case here. This is detailed later under 'Impact upon National, European and International protected sites including SSSI, SPA, SAC, Ramsar' but without specific restriction to holiday use only this is contrary to the adopted SPD in this respect.

The hotel is tired looking and in need of an update. The principle of providing an enhanced hotel and visitor facilities is in principle supported. Policy TA relates to Tourist Accommodation and states that extensions / alterations to existing accommodation should ideally be located within towns or key / local service villages or in accordance with Policy CO. Policy CO relates to the countryside, whereby locations outside settlement boundaries are classified as being located in open countryside. Development in the countryside will be permitted where it does not have a significant adverse impact on the environment, visually or from traffic movements and subject to a number of criteria. The criteria include the extension to a rural building or expand an existing employment site. Therefore, policy in principle could

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accept and an alteration to the hotel. However, the scale, massing design and impact upon the AONB has to be proportionate. Also, there should be no additional impact upon protected sites (SSSI, SPA, SAC, Ramsar).

In assessing all the above, and taking into account further assessments below on the impact on the AONB and protected sites, the proposals which substantially increase the size and impacts of the development fail to comply with Policy CO.

Scale, design and impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) attaches great importance to achieving well-designed places and states that good design is a key aspect of sustainable development (paragraph 126). The issue of design goes beyond the visual appearance and architecture of individual buildings, it also relates to the layout and density of development and how new development fits into the existing built environment.

Paragraph 130 of the NPPF requires that planning decisions ensure that development functions well and adds to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible environments. Purbeck Local Plan Part 1 Policy D: Design generally requires new development and other works to positively integrate. Further broad design guidance is provided by the Purbeck Design Guide Supplementary Planning Document (SPD).

The original hotel on the site was a small modest building with a colonnade and roof lantern. Over the years there have been numerous extensions and alterations which have fundamentally altered the overall appearance of the building. However, the majority of the current buildings on the site are 2 storey in height with building respecting the contours of the land, with higher buildings as lower parts of the site.

The proposed plans significantly increase the amount of built form on the site. Some of the existing buildings on the southern boundary of the site (spa and pool, garden suite) are all only single storey and the taller parts of the development are seen against the backdrop of trees to the north and west.

During the course of the scheme, the proposal has been amended in an attempt to address concerns raised over the impact of the development on the surrounding area but these changes whilst securing some improvements to the design have not adequately addressed officer concerns regarding the increased scale and form of the scheme or its impacts beyond the site. Concerns remain regarding the impact of the impact that a development on this scale will have on the AONB and protected habitats. For these reasons the application remains contrary to policy CO of the Local Plan.

Impact upon the Area of Outstanding Natural Beauty (AONB)

The application site is also located within the Dorset Area of Outstanding Natural Beauty. AONBs have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.

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Paragraph 176 of the NPPF states that; *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Paragraph 177 of the NPPF states;

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Footnote 60 to paragraph 176 and 177 states,

“whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

The Planning Practice Guidance (Paragraph: 041 Reference ID: 8-041-20190721) also advises that The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted.

There is no definition as to what constitutes major development within the AONB, it is down to the decision maker to make that assessment. Case law has confirmed that the local planning authority should have regard to specific factors, such as scale, character and location of a proposal. It also suggests that the definition in the Town and Country Planning (Development Management Procedure) Order 2010 is too prescriptive and that rather any development needs to be construed in the context in which it appears. Therefore, the decision whether something is major development within the AONB is down to the facts and degree of each individual case. The same or similar development in different locations within the same AONB may result in different conclusions as to whether a proposal was major development.

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The size of the development is not the defining factor as to whether an application is major, but rather its impacts. A recent application for 30 dwellings within the Dorset AONB (2/2019/0824/OUT) was considered by the Council to be major development in terms of impact within the AONB and this position was agreed by the Planning Inspectorate.

It is also clear that all three aspects of the test in Paragraph 177 (a-c) of the NPPF must be adequately addressed if major development in an AONB is to be acceptable. The Dorset AONB officer considered that in having regard to the large scale of the proposal and the undeveloped and tranquil landscape context of the site, suggests that under the third criteria alone this would constitute major development.

The site is located within the South Purbeck Heaths character area of the AONB, with the chalk escarpment of the Purbeck Ridge to the south creating a clear views of the site from further afield.

Submitted with the application is a Landscape and Visual Impact Assessment (LVIA). This has been thoroughly assessed by the AONB Officer.

Due to its size and scale and impact upon the AONB, Officers consider that this development, for the purposes of NPPF Paragraph 176 and 177 would constitute major development and therefore the 3 tests, need to be fully assessed as part of the determination of this application.

The report therefore details each of the three criteria to assess the impact this major development will have upon the AONB.

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

The submitted Economic Development Report provides the following economic benefits of the development.

“Gross direct impacts

The headline economic impacts on the site and the impacts supported by supply chain spend and visitors’ spending in the local economy are:

- £40 million spend on construction to redevelop the Knoll House Hotel, which creates 156 person-years of employment in the construction industry. This generates a total of nearly £5 million of wages and over £15 million of Gross Value Added (GVA) during the construction period
- 152 jobs in the operation of the hotel, up from the current 65, generating £2.7 million of wages and nearly £5 million of GVA every year
- 21 jobs supported by £3.3 million of supplier spend, generating more than £500,000 of wages and over £1 million of GVA per year
- Nearly £2.5 million of spend outside of the hotel by visitors every year, supporting more than 60 jobs”

Net additional local impact in Purbeck

These figures remove the impact of what would happen anyway if there is no redevelopment, any impacts that end up outside of Purbeck, and any displacement from the figures stated above, and then add in an allowance for the local multiplier impact:

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- 75 person-years of employment in construction, generating £2.4 million of net additional wages and £7.3 million of net additional GVA in Purbeck
- Up to 129 net additional jobs in the operation of the hotel, generating £2.3 million of net additional wages and £4.2 million of net additional GVA in Purbeck every year
- 4 jobs supported by supplier spend, generating £100,000 of wages and £220,000 of GVA
- Over 50 net additional jobs in Purbeck supported by visitors' spend outside of the hotel"

The proposals would therefore provide a large amount of inward investment during the construction work, but also when finished a great deal of investment to the area through increased visitor numbers and them spending in the area.

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The second criterion requires an assessment on whether this development could be located outside of the AONB.

The prime reason for this proposed resort is the location. The whole of the southern part of the southern part of the Purbeck area is located within the AONB. Given that there is already an existing hotel on the site, it is unreasonable to insist of the development being located outside the AONB. This being the case, the development could not be located outside of the AONB and the second NPPF test is considered to have been satisfied.

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

The third criterion is an assessment on whether an impact upon the AONB can be mitigated. During the course of the application amended plans have been submitted altering the proposed layout.

These changes include the removal of a light box storey from the top floor of one of the tallest blocks (Building D), changes to the materials palette and alterations to the siting to accommodate a subsequently protected oak tree.

Off site mitigation is proposed in the form of planting, but this planting is on land outside the applicant's ownership (on land owned by the National Trust).

Natural England object to this planting as this would harm the grassland priority habitat. There is also no guarantee that the third party would allow additional planting on their land. Any planting required would have to subject to a clause in a Section 106 agreement.

The AONB Landscape Officer considers that there are clear grounds to consider the application to fail this aspect of the test. Overall, the application does not conserve or enhance the character and appearance of the Dorset AONB. Instead the application generates significant adverse effects, due to increase in built form, including upon Special Qualities that underpin the AONB's designation. For this reason, considers that the application conflicts with those policies C1, C2 and C4 of the AONB Management Plan.

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The AONB Management Plan highlights the special qualities that make it a unique and outstanding place. The AONB officer considers that the development proposal could foreseeably adversely affect a number of these qualities, particularly those that are strongly expressed in the area in which the site is located. The following Special Qualities are considered to be particularly susceptible to harm from the proposal:

- Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes
- Tranquillity and remoteness
- Dark night skies
- Undeveloped rural character
- An exceptional undeveloped coastline
- Wildlife of national and international significance

In assessing all the above, officers consider that the proposals would have an adverse impact upon the AONB, and the AONB officer concurs with this assessment.

There would be an adverse impact upon the character of the landscape, it is considered that the proposal can be classified as 'major' development in the AONB, and there are no exceptional circumstances or public benefits which would warrant its approval.

The proposed mitigation would not address this adverse impact and in any event it is not acceptable due to the harm it would cause to the priority grassland.

For these reasons the proposal fails to comply with Policy LHH of the Purbeck Local Plan Part 1 and should be refused.

Impact upon the Dorset Heritage Coast

The site lies within the Dorset Heritage Coast. Whilst named 'coast', parts of the heritage coast can extend in land up to 5km. In the case of the application site the heritage coast extends inland to west to Foxground Plantation, near Rempstone. It includes all of Studland Heath, Godlingston Heath and Ballard Down

The Government website details that; *Heritage coasts are 'defined' rather than designated, so there isn't a statutory designation process like that associated with national parks and areas of outstanding natural beauty (AONB).*

They were established to conserve the best stretches of undeveloped coast in England. A heritage coast is defined by agreement between the relevant maritime local authorities and Natural England.

Heritage coasts were established to:

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- *conserve, protect and enhance:*
 - the natural beauty of the coastline*
 - their terrestrial, coastal and marine flora and fauna*
 - their heritage features*
- *encourage and help the public to enjoy, understand and appreciate these areas*
- *maintain and improve the health of inshore waters affecting heritage coasts and their beaches through appropriate environmental management measures*
- *take account of the needs of agriculture, forestry and fishing and the economic and social needs of the small communities on these coasts*

The protection of Heritage Coasts is detailed in the NPPF at paragraph 178. This states that; *“Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 175), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”*

Paragraph 175 requires plans to distinguish between the hierarchy of international, national and locally designated sites and to allocate land with the least environmental or amenity value and enhance habitats. As mentioned elsewhere in this report the site is covered by a multitude of international and national sites. However, the last sentence is of key importance to the consideration here. In the last section (Impact upon the AONB) the assessment of major development was made and similar points are reiterated here in relation to the proposals scale, mass and form. Heritage Coasts are designated to preserve their special character. The proposals fail to respect the character of the Heritage Coast. As such the proposal further fails to comply with Policy LHH of the Purbeck Local Plan Part 1 and paragraph 178 of the NPPF.

Impact upon National, European and International protected sites including SSSI, SPA, SAC, Ramsar

The application site lies within 400m of heathland that is designated as the Studland and Godlingston Heaths Site of Special Scientific Interest (SSSI). The SSSI is a constituent part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths (Purbeck and Wareham) and Studland Dunes Special Area of Conservation (SAC) on account of the nature, rarity and diversity of the habitat types and species present. The heaths are also a component of the Dorset Heathlands Ramsar site.

The application site is also within close proximity of the Poole Harbour SPA and Poole Harbour SSSI which is designated on the basis of the nature, habitat and species present.

Natural England's objection to the application on HRA grounds is fundamentally on the basis of the increase of 63 C3 units within 400m of the Dorset Heathlands European Site leading to a net increase in recreational pressure. Natural England also raise concerns about this being contrary to the Purbeck Local Plan Part 1 Policy

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DH which does not permit additional C3 use within 400m of designated heathland sites.

Survey information submitted by the applicants references the current recreational use of the site at the site as a baseline and estimates that the recreational pressure associated with the proposed development will not result in a net increase.

Natural England's view is that the survey data is inadequate and unreliable due to the methodology used, gaps in the data, and concerns over the assumptions which have been made. Natural England have raised concerns including the consideration of the effects of covid on survey results, the methodology surrounding occupancy rates and hotel room capacity, and the increased likelihood of those using the apartments and villas to be more active than hotel guests, partaking in recreational activities such as walking and off road cycling which lead to greater recreational pressures. Natural England also mention that the business model for the proposed complex includes a clear intention to keep residents on site, which isn't taken into account when considering future recreational pressure.

Natural England's advice is that the surveys should not be relied upon and are therefore unable to reach a firm conclusion about current and proposed occupancy rates and the potential recreational pressure upon the Dorset Heathlands European Site.

Natural England have also commented on the increase in recreational pressure resulting from guest bringing pets, particularly dogs, with them to the site. Currently hotel guests can bring pets on holiday with them. The applicant has offered to restrict pets allowed at the site. Should the application be considered acceptable in other respects, such restriction would need to be secured through a legal agreement.

Natural England have raised concerns over the proposed level of car parking on the site, which may lead to additional visitors to the Dorset Heathlands and an increase in recreational pressure. The agent has indicated that they will restrict the number of parking spaces to current levels. Natural England consider that this would need to be restricted by a legal agreement to ensure that there is no increase in people and recreational pressures on the designated sites.

As part of the ongoing discussions between Natural England and the applicant, a series of mitigation measures have been discussed.

The applicant has suggested that a new open space would be provided with the development, which includes new circular walks, designated dog walking areas and heathland grassland habitat restoration on the existing golf course, and restoration of a mire and wetland habitat. Further details would be provided in a Recreational and Habitat Enhancement Plan.

According to Natural England, the land upon which this mitigation is proposed is owned by the National Trust. In order to secure the mitigation mentioned in the preceding paragraphs in perpetuity, a Section 106 Agreement signed by the applicant, Dorset Council and the National Trust as landowner would be required.

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Natural England have serious concerns whether this mitigation can be secured.

In addition to the impacts as a result of recreational pressure on the Dorset Heaths, Natural England also raise concerns that the application will result in water quality impacts upon the Poole Harbour SPA and Ramsar. Natural England have commented that the applicant will need to secure a route discharging surface water eastwards across National Trust owned land to avoid a western route into the designated sites.

There is no evidence that this avoidance measure is agreed with the landowner and at this time this measure to avoid harm cannot be considered and hence there is a risk of harm to the designated sites from inappropriate surface water drainage. These would need to be secured for a period of 80 years by a section 106 obligation entered into with the Council by the National Trust and the applicant. Without these aspects being secured there remains uncertainty whether the proposal will not have an adverse effect upon the integrity of European and internationally designated sites.

The proposal is not directly connected with or necessary to the management of the SPA or SAC. It is therefore necessary to consider whether the development is likely to have a significant effect on the internationally important interest features on the site, either alone or in combination with other plans or projects. If the answer to this question is yes, then appropriate assessment will be required under the Conservation of Habitats and Species Regulations 2017.

There is a considerable body of research which indicates that residential and other urban development within the vicinity of the heathlands has an adverse effect on the special interest features of the European sites. There is no credible evidence to demonstrate that the proposed development would not give rise to these impacts. Given the relatively short distance between the application site and Dorset heathlands, there is a high probability that staff members and visitors to the hotel would visit the heathland. The main discussions in this case resolve around to what extent would the proposals likely affect the heathland, when compared to the existing hotel.

The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) sets out a strategy for mitigating the harmful effects of new housing development on the European sites, where development is proposed in the zone between 400 metres and 5 km of the boundary. The SPD sets out a range of Heathland Infrastructure Projects that will provide facilities to attract people away from protected heathland sites.

The NPPF (2021) Paragraph 180 states “When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

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In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the protected site: “That is the case where no reasonable scientific doubt remains as to the absence of such effects”.

The Planning Practice Guidance (Paragraph: 001 Reference ID: 65-001-20190722) that all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a *competent authority* (which in this case is the Local Planning Authority) must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

The Planning Practice Guidance (Paragraph: 005 Reference ID: 65-005-20190722) further advises that in April 2018, the Court of Justice of the European Union delivered its judgment in *Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta* (*‘People over Wind’*). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures.

As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself.

Acting as the *competent authority* for the purposes of the regulations, the Council must be convinced that there will not be an adverse effect and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised, unless there are imperative reasons of overriding public interest.

If an Appropriate Assessment was to be carried out now, it would fail as mitigation has not been secured and there would be an adverse effect upon the integrity of European designated sites. If off site mitigation could be secured to the satisfaction of the Council and Natural England, through a Section 106 obligation, then this matter may be resolved.

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. Or, for that matter the Poole Harbour due to increase recreation in the harbour. Due to the absence of any imperative reasons

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of overriding public interest, the application cannot be supported. 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 (2015 – 2020) 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.

Impact on the living conditions of the occupants of neighbouring properties

The existing hotel is located in an isolated location along Ferry Road. The nearest neighbour is Wadmore Cottage and this is located approximately 170 metres to the south west of the site. Other surrounding uses include the tennis courts and golf course associated with the hotel and the National Trust Car Park at Knoll Beach.

In this respect the proposal is not considered to be harmful to residential amenity.

The impact of the proposals on the significance of heritage assets, including any contribution made by their setting

Designated Heritage Assets

The proposed development is considered to have the potential to affect the significance of designated heritage assets through impacts on their setting, specifically two Scheduled Monuments and two Listed Buildings.

The Council has a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving a listed building or its setting and any features of special architectural or historic interest it possesses.

Both Listed Buildings and Scheduled Monuments are considered to be 'designated heritage assets' in the NPPF and therefore any impacts on their significance, including any contribution made by their setting, are to be assessed under its provisions, in particular paras. 199-205. The Framework requires that 'great weight' be given to their conservation and the more important the asset, the greater the weight should be. Applying this 'great weight' and the process for assessing significance and harm in the Framework is established to be consistent with performing the statutory duty above.

The assessment for the potentially affected designated heritage assets is scheduled below (where necessary, assets are grouped for convenience):

- Bowl Barrow 100m northwest of Studland Bay (Scheduled Monument, 1014298) and Bowl Barrow west of Studland Bay House (Scheduled Monument, 1014297)
 - The contribution of setting to the significance of these assets may be summarised as comprising their spatial, functional and likely visual relationship to the dispersed barrows and barrow groups over

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Godlingston Heath (all likely to be of Early Bronze Age date), as well as their topographical relationship to areas of high ground around what was likely a waterlogged, marshy area at that time. The development is not considered to impact upon these identified elements and therefore no harm will result to their significance;

- Pillbox, northeast of Knoll House Hotel (Grade II, 1411819) and Pillbox E of Knoll House Hotel (Grade II, 1411815)
 - The contribution of setting to the significance of these assets may be summarised as comprising their spatial and functional relationships to one another and other military installations forming part of the coastal defence network in Studland of c. 1940, and their spatial and visual relationship with the sea itself. The development is not considered to impact upon these identified elements and therefore no harm will result to their significance.

Non-Designated Heritage Assets

Though not having statutory protection, the effect of an application on the significance of non-designated heritage assets should be taken into account in determining applications. The hotel is considered to be a non-designated heritage asset, owing to its having a degree of heritage significance meriting consideration in planning decisions. These interests comprise:

- architectural interest and rarity: the central part of the front range (the original historic core) is of a somewhat unique and eclectic architectural form, but with distinct Arts-and-Crafts influence. Particular features of note include a full-width veranda, whose stone Doric columns support two prominent 'floating' gables, and a prominent central lantern; all of which inextricably link the design of the building to the sea views to the E;
- historical interest deriving from numerous associations:
 - with the Bankes family of Kingston Lacy and their wider Dorset estates; the building was constructed in the period 1901 - 1921 as one of several holiday homes for the Bankes family and was described by Viola Bankes in later life as a 'remote retreat in pine woods close to the sand dunes';
 - with the author, Enid Blyton who is known to have been a frequent visitor to the hotel in the 1950s and 1960s and who is believed to have written some of her novels there, or at least taken inspiration from the surroundings and local people for places and characters;

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- with the surrounding military installations as the hotel was requisitioned during the Second World War for troops engaged in erecting these defences as well as rehearsals for the D-Day Landings;
- the following elements of **setting** are considered to contribute to the asset's significance:
 - its topographical position on a small hill over the heath (the eponymous 'Knowl Hill') and the associated intentional visual relationship (reflected in its orientation and design) with the sea to the east; and
 - its historical relationship with the Second World War military installations in the surrounding area, for whose construction the hotel served as a base for troops.

In weighing-up applications that directly or indirectly affected non-designated heritage assets, a balanced judgement is required having regard to the scale of harm or loss and the significance of the asset. In this case, the proposed development will result in the demolition of the majority of the buildings on the site. In most cases, these are later additions to the complex of little or no architectural or historic interest.

The demolition includes the 1930s ranges either side of the early-20th-century core, which will be retained. It is considered that this will result in less than substantial harm to the significance of the asset, although, taking into account their relative architectural and historic significance alongside the historic core, the scale of harm and loss is considered to be acceptable and outweighed by public benefits.

Taking into account the impacts on the significance of designated and non-designated heritage assets, the proposal complies with Policy LHH.

Impact upon Trees

During the course of the pre-application discussions, an oak tree located on the southeastern corner of the site has been protected with a tree preservation order. In order to address initial concerns over the impact of this tree, the layout has been amended to retain this tree.

The Council's Tree Officer considers that the tree would be safeguarded. The trade-off is for some minor crown reduction to prevent accidental damage during construction; this is considered to be acceptable. The individual sweet chestnut, T82, is being retained and adequately protected with some minor crown reduction. T75 is also being retained and adequately protected with some minor crown reduction to prevent accidental damage during construction

Economic benefits

As detailed above under the section 'Impact upon the AONB' significant investment in the site is proposed to be spent on the site.

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In the Purbeck Local Plan Part 1 in the supporting text to policy TA (Tourist Accommodation and Attractions) outlines the tourism policy. This details that the Regional Tourism Strategy identifies three priority aims: sustainable tourism, increased quality and improved destination management arrangements. Tourism and the visitor economy is a key sector of the South West region's economy. It is inextricably linked with both the vitality of town centres and helping to sustain viable rural communities. Tourism provides a vital input to the economy of Purbeck, with over 1.5 million day visits made to the area on an annual basis, with annual spending at around £140 million. Purbeck will seek to build upon its position as a leading visitor destination through the promotion of visitor experiences of exceptional quality and distinction.

It further details that the Tourism Strategy for Purbeck (2008) proposes that development which will help to diversify Purbeck's accommodation and attraction assets to meet tourism trends should be considered in appropriate locations. There are opportunities for high quality built accommodation, eco friendly accommodation, tented accommodation, forest lodges/chalets, study centres, redundant barn conversions and accommodation for disabled visitors. Increased recreation levels as a result of tourism may have implications for European protected sites. Policy DH: Dorset Heaths International Designations and Policy PH: Poole Harbour address these impacts.

The provision of a high-quality luxury resort meets the overall aims of the tourism strategies and provides high quality built accommodation.

The Environmental Statement details that significant investment would be made during the construction process of a £40 million spend on construction and significant investment of nearly £5 million in wages. After construction, the hotel will employ 152 jobs, generating £2.7 million in wages and 21 jobs supported by £3.3 million of supplier spend, generating half a million in wages. Outside the hotel nearly £2.5 million would be generated by visitors every year supporting 60 jobs.

In addition the Environmental Statement identifies indirect benefits including moving away from seasonal work, an increase in the quality of job providing career progression opportunities, increased confidence in the area, the creation of higher quality tourism in the area and the provision of good quality leisure facilities in the area.

The development is also liable for a Community Infrastructure Levy payment (CIL) , calculated at approximately £1,650,686.12 based on this year's CIL rates.

There is without doubt that there would be significant investment proposed into the site and significant employment and indirect benefits.

The actual Policy TA details that new accommodation should ideally be located in towns and key / local service villages in accordance with Policy CO.

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Policy CO (Countryside) details that development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity.

In relation to replacement buildings it states that the replacement of an existing building in the countryside will be permitted, it is of the same use, has an established lawful use and the proposed replacement building is not disproportionately larger than the size of the building which it replaces.

This is not the case in this instance. Therefore, whilst significant economic benefits would result both directly and indirectly, due to impacts from the proposals the proposals are contrary to Policies D, TA and CO of the Purbeck Local Plan Part 1.

Access and Parking

An amended Transport Assessment and Framework Travel Plan have been provided to address initial objection from the highways officer. The site is located on the B3351 Ferry Road and the road gets busy during the summer due to the being on the main route between Swanage and the Bournemouth / Christchurch and Poole conurbation via the chain link ferry across Poole Harbour entrance.

The current car parking spaces are not marked out. However, the amended Transport Statement estimates that there would be a space for 79 vehicles on the site based on the topography and spaces measuring a standard size of 2.4m by 4.8m, with rows of 6m in width.

The site is located on Route 50 (Purbeck Breezer) and there is a stop outside the site. This service runs between Swanage Bus Station and Bournemouth Railway Station. Further connections are available in Swanage with Route 40 running to Wareham.

The proposals for accessing the site remain the same utilising the existing vehicular access, in the south-eastern corner of the site. Sufficient visibility splays can be achieved and this access has been operated for many years.

87 car parking spaces are proposed on the site. Therefore, an increase of 8 spaces are proposed.

There are restrictions in the vicinity of both the hotel and parking can be controlled.

The Framework Travel Plan identifies the provision of a staff shuttle bus between Poole and the site, avoiding the ferry. This is based on a bi-hourly service coinciding with staff shift start and end times to ensure that no staff member needs to travel by car to access the site. Parking on site is enforced and parking restrictions on Ferry Road are in place. The only parking area is at The National Trust car park at Knoll Beach. Therefore, there is a likelihood that the shuttle bus would be used by staff members. The Travel Plan and shuttle bus would need to be secured by Section 106 obligation.

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In conclusion the Highway Authority raise no objections. Whilst acknowledging that there will be an increase in traffic flows in the neighbouring network these cannot be considered to be severe in line with the NPPF. As such the proposal complies with Policy IAT of the adopted Purbeck Local Plan Part 1.

Flooding / Drainage

The site is located within Flood Zone 1. The Lead Local Flood Authority raise no objections to the proposals based on the revised Flood Risk Assessment and Drainage Strategy.

Impact Upon Setting of UNESCO Jurassic Coast World Heritage Site (WHS)

The UNESCO Jurassic Coast World Heritage site was inscribed in 2001 for the outstanding universal value (OUV) of its rocks, fossils and landforms. The site shows approximately 185 million years of the Earth's history, with an almost continuous sequence of Triassic, Jurassic and Cretaceous rock formations.

The boundary of the site extends 155km of coastline in Devon and Dorset, but is only a narrow strip inland. The designation states that *"on the seaward side of the property extends to the mean low water mark and on the landward side to the cliff top or back of the beach."*

The whole of the integrity of the coast needs to be protected. The WHS's setting also needs to be considered, especially when viewed from the sea.

The proposed development is approximately 635m from the edge of the application site to the edge of the boundary of the WHS, to the southeast. In assessing viewpoints for the Landscape and Visual Impact Assessment views from the sea were discounted. However, views from the beach have been included and there are limited views from seeing the WHS and the application site. In considering that the WHS was designated for the immediate coastline and geology, the proposals are not considered to adversely affect the way people view and understand the WHS. Therefore, the proposal does not result in any harm to the WHS.

Weighing Up

It is acknowledged that the proposal would generate a significant amount of economic investment into the site in order to deliver 5* holiday accommodation after the difficult period for tourism during the pandemic.

Economic benefit whilst important is only one of several planning considerations that have to be weighed in the balance. As detailed in the report, ever since the pre-application discussions commenced there was clear guidance given that the scale of the redevelopment of the site was too large in this sensitive location. Instead of reducing the scale of the project down to address these valid planning and impact upon the Dorset AONB, the originally submitted plans included a large glazed lantern on top of the tallest building (Building D). The amended plans have omitted this lantern and attempted to tone the building down through the choice of external materials. However, as detailed above, this has not gone far enough to ensure that

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the hotel complex would not have a significant adverse impact upon the AONB from sensitive receptors.

At pre-application stage, advisors from Natural England raised an objection to the proposals and detailed that significant work needed to be undertaken to ensure that there would not be an adverse impact upon internationally important heathlands and wetlands. Three years after the application was originally submitted, there are still ongoing discussions with the applicant and Natural England in an attempt to address these issues. Off site mitigation measures have been suggested, however this relies on third party land (The National Trust) and there is no guarantee that this can be secured in perpetuity. As such Natural England advise that they cannot state that there would not be an adverse effect upon the integrity of international and European designated habitats.

EIA

The application has been processed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The justification for the need for the Environmental Impact Assessment as scoped by the Local Planning Authority was the need to fully assess the impacts upon the Dorset AONB and ensure that there would be no adverse impacts upon either the heathlands or Poole Harbour.

16.0 Conclusion

Despite the length of time this application has been with the Council and the clear guidance at pre-application stage there are still objections to the scheme which have not been overcome. The proposal by reason of its scale, massing and impact is considered to be a major development within the AONB and the tests as laid out in the NPPF have not been fully satisfied.

In addition, Natural England still cannot confirm that the proposals would not adversely affect the integrity upon international and European designated sites (Ramsar, SPA, SAC). Mitigation measures have been suggested but with no guarantee that these can be implemented.

The application is therefore recommended for refusal for the reasons set out below.

17.0 Recommendation

That the Committee be minded to refuse permission 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

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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.

Informatives

- 1) Informative Note - Refused Plans. The plans that were considered by the Council in making this decision are: 9016-PL-001, 9016-PL-002, 9016-PL-003, 9016-PL-020B, 9016-PL-021B, 9016-PL-022B, 9016-PL-023A, 9016-PL-024A, 9016-PL-025A, 9016-PL-026A, 9016-PL-030A, 9016-PL-031A, 9016-PL-032A, 9016-PL-033A, 9016-PL-034B, 9016-PL-036B, 9016-PL-037B, 9016-PL-038A, 9016-PL-039B, 9016-PL-040A, 9016-PL-041B, 9016-PL-042A, 9016-PL-043B, 9016-PL-044A, 9016-PL-045B, 9016-PL-047C, 9016-PL-050A, 9016-PL-051A, 9016-PL-052A, 9016-PL-053A, 9016-PL-054A, 9016-PL-055A, 9016-PL-060A, 9016-PL-061A, 9016-PL-062A, 9016-PL-063A, 9016-PL-064A, 9016-PL-065A, 0163/001/P5, 0163/002/P5, 0163/003/P5, 0163/010/P5, 0163/011/P5, 0163/100/P6, 0163/300/P5, 0163/310/P5, 0163/401/P5, 0163/421/P5, 0163/451/P5 and 0163/452/P5.
- 2) If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

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3) 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/ agent undertook pre-application discussions, but failed to address objections raised.

-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.

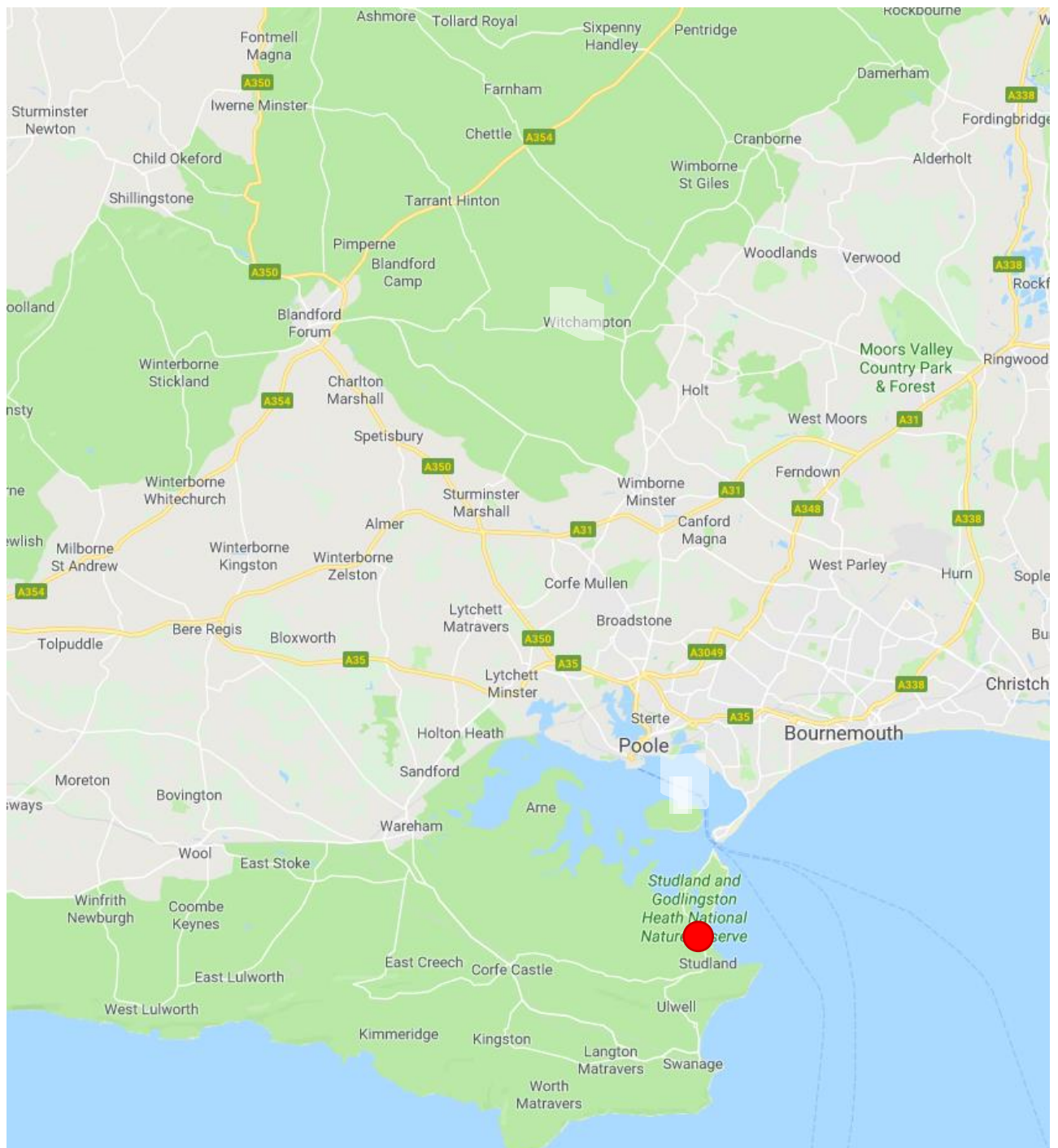
-The applicant and council have worked together to minimise the reasons for refusal.

● Approximate Site Location

Application reference 6/2018/0566

Site address Knoll House Hotel Ferry Road Studland BH19 3AH

Proposal: Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (EIA development)



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1.0 Application Number: 6/2021/0204

Webpage: [Planning application: 6/2021/0204 - dorsetforyou.com \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/planning/application/6/2021/0204)

Site address: Lytchett Minster School, Lytchett Minster, Dorset, BH16 6JD

Proposal: Demolition of single storey classroom building and construction of replacement two storey classroom building.

Applicant name: Lytchett Minster School - Business Manager

Case Officer: Cari Wooldridge

Ward Member: Councillors Brenton, Pipe and Starr

Publicity Expiry Date:	3/12/2021	Decision Due Date:	30/12/2021
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1.1 Reason the application is being considered by the Committee:

The application has been submitted by or on behalf of the Council where the application form identifies this to be the case (Reference 134 (iii) of the Officer Scheme of Delegation).

2.0 Summary of recommendation:

That the committee be minded to GRANT planning permission for the application subject to conditions set out in the report.

3.0 Reason for the recommendation: as set out in paragraph 16 at end

- 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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable development within the countryside.

Impact on heritage assets	Positive contribution to the preservation and enhancement of the Conservation Area with public benefits in meeting required education provision. No harm to setting of listed building.
Scale, design, impact on character and appearance	Acceptable scale and design within established school setting.
Impact on amenity	Acceptable.
Impact on protected trees	Acceptable.
Very special circumstances	Very special circumstances exist to outweigh the level of harm to the Green Belt.

5.0 Description of Site

- 5.1 The application site is located centrally within the Lytchett Minster School complex of buildings on a campus style development that is set around the Grade II Lytchett Minster School building (south Lytchett House). The site is not visible from outside the school grounds and is screened by existing - largely two-storey - buildings to all sides.
- 5.2 The existing single-storey prefabricated classroom building is in a poor state of repair. Directly to the rear of the building, a protected Dawn Redwood Tree has recently been felled (with consent) due to disease and related safety issues. There are several other small trees / shrubs within proximity of the building.
- 5.3 In terms of constraints, the site is located within close proximity of the Listed School building, is within the Lytchett Minster Conservation Area and is also located within the Green Belt and countryside.

6.0 Description of Development

- 6.1 The application proposes the demolition of an existing single storey prefabricated classroom building of poor repair and replacement with a modern two storey classroom building.

7.0 Relevant Planning History

6/1985/0335 - Site two mobile classrooms – Granted 14/08/1985

6/2005/0524 - Demolish 8 temporary classrooms and erect new temporary classrooms to form new English faculty and caretaker's rooms – Granted 11/07/2005

6/2011/0072 - Retention of temporary classrooms to form English Faculty and Caretaker's rooms - Retrospective. Previous application 6/2005/0524 – Granted 24/03/2011

8.0 List of Constraints

8.1

- Lytchett Minster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- Poole Harbour Nutrient Catchment Area
- 1km or less from Regional High-Pressure Pipelines
- 25m or less from Medium Pressure Pipelines
- District of Purbeck (Lytchett Minster School) TPO 1994.
- Close proximity to Ancient Woodland: HILL WOOD
- South East Dorset Greenbelt
- Aerodrome safeguarding zone
- Poole Harbour Recreation Catchment Area

9.0 Consultations

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

Consultees

1. DC - Conservation Officer (verbal discussion on 14/12/21)

- Enhancement to Conservation Area.
- Modern design and use of materials make a clear distinction between old and new within site.
- Sits comfortably within setting and other modern buildings.
- Also, of public benefit.
- Condition recommended.

2. DC - Trees

- Verbal comments – no objection was raised to the felling of the Dawn Redwood due to a Tree Survey identifying basal decay and a cavity. As no objection was raised, replacement planting could not be enforced. Had an objection been raised, a Tree Preservation Order (TPO) would have had to be made. However, the tree was not of a condition that would justify a TPO.
- Remaining trees to east and north as identified in AMS are of low amenity values and majority are considered shrubs rather than trees. Proposed development would not impact on these trees.

3. Lytchett Minister & Upton Town Council (received 25/11/21)

- No objection.

4. Lytchett Matravers and Upton Ward Councillors (received 05/11/21)

- Replacement will be an improvement to the appearance of the site.
- In close proximity to established tree and the Arboricultural Statement must be conditioned to prevent damage to the tree roots which may cause risk of falling. The Dawn Redwood should be protected with a Tree Preservation Order.

Summary of Local Representations received

No local representations were received.

10.0 Relevant Policies

Development Plan Policies

Purbeck Local Plan Part 1:

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

Policy SD - Presumption in favour of sustainable development

Policy LD - General location of development

Policy CO - Countryside

Policy D - Design

LHH - Landscape, Historic Environment and Heritage

Material considerations:

Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- E2: Historic Environment

- E12: Design
- E10: Biodiversity and geodiversity
- I2: Improving accessibility and transport

Supplementary Planning Documents/Guidance:

Purbeck District Design Guide Supplementary Planning Document 2014.

Lytchett Minster Conservation Area Appraisal.

National Planning Policy Framework revised July 2021

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.

Relevant NPPF sections include:

Section 4. Decision taking: 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 11 'Making effective use of land'

Section 12 'Achieving well designed 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 126 – 136 advise that:

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Section 13 'Protecting Green Belt land'- new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.

Section 14 'Meeting the challenges of climate change, flooding and coastal change'

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 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 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.

12.0 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.

It is noted that the proposed two storey classroom building is served only by stairs so there may be some disadvantage to disabled persons who struggle with mobility.

13.0 Financial benefits

None applicable.

14.0 Climate Implications

- 14.1 The proposal will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

- 15.1 The main planning considerations in respect of this application are:

- Principle of development, impact on the countryside and Green Belt with reference to the Development Plan and provisions of the NPPF
- Scale, design and impact on the character and appearance of the area and Lytchett Minster Conservation Area
- Impact on the living conditions of the occupants of neighbouring properties
- Impact on protected trees

Principle of development

- 15.2 The application site is located outside a settlement boundary within the 'countryside' and is therefore subject to Policy CO: Countryside. Policy CO sets out the types of development that are considered acceptable in a countryside location providing they do not have a significant adverse impact either individually or cumulatively on the environment, visually, ecologically, or from traffic movements.
- 15.3 New development for an existing community facility that is located close to existing settlements is considered acceptable. In this case, the new development will support the needs of the existing Secondary School which forms an established complex of buildings within the countryside. The proposed development will be located within the existing complex of buildings and will not result in any visual impact on the countryside above that of the existing buildings, and the proposal is therefore considered to be acceptable in principle for the purposes of policy CO.
- 15.4 The site and proposed development would also be located within the South East Dorset Green Belt the aim of which is to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework (NPPF) sets out the exceptional circumstances in which new development within the Green Belt may be

considered acceptable. This includes at para 149 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and g) limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 15.5 The existing classroom building is modest in height (approx. 3m) and has a flat roof with a volume of approx. 670 cubic metres. The proposed two storey replacement building will have the same footprint as the existing building (approx. 194sqm), a height of approx. 7m (at its tallest point), and a volume of approx. 1,300 cubic metres. The replacement building is therefore considered to be materially larger than the existing and as such does not accord with NPPF 149 d)
- 15.6 In assessing the impact of the building in respect of exception (g), Officers must consider both the spatial and visual aspects to the openness of the Green Belt. By increasing the bulk of the building, the proposal will impact on the spatial open quality of the Green Belt. In relation to the visual impact, the development will be located within the established complex of school buildings on the site within which there is likely to be minimal impact on the visual openness of the Green Belt
- 15.7 The proposal will result in some harm to openness of the Green Belt so cannot benefit from the exceptions set out in the NPPF. Para 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These are considered at the end of the report.

Scale, design and impact on the character and appearance of the area and impact on heritage assets.

- 15.8 The proposed development is relatively small in scale in comparison to the sizeable buildings that form part of the existing school complex. The development would be located within the centre of the existing complex of buildings, and despite the new building being two-storey, there are no additional impacts on the character and appearance of the area.
- 15.9 The site is located within Lytchett Minster Conservation Area and the existing building is identified as having a neutral quality in the Conservation Area Appraisal. The proposal has been discussed with the Design and Conservation Officer and it is considered that the proposed replacement building would both preserve and enhance the setting of the Grade II Listed South Manor House, and would make a positive contribution to both the preservation and enhancement of the conservation area through its replacement of an existing poor quality prefabricated building with a modern design that differentiates between historic and new.

- 15.10 The school site includes a number of modern buildings and extensions all within close proximity and forming the setting of the listed Manor House, within the Conservation Area. The site also includes a range of external finishes and the proposed timber clad façade with anthracite panels and windows is considered to be acceptable subject to a condition requiring full details to be submitted for approval.
- 15.11 In summary, the proposed development will meet the statutory requirements to preserve the setting of listed building and Conservation Areas and is considered to be acceptable in accordance with policies D and LHH of PLP1 and Chapter 16 of the NPPF.

Impact on the living conditions of the occupants of neighbouring properties

- 15.12 The proposed development is located within the existing complex of buildings forming Lytchett Minster School and there would be no additional impact on neighbouring properties.

Impact on protected trees

- 15.13 Trees within the school grounds are protected by way of their siting within the Lytchett Minster Conservation Area. A number of trees are also protected by way of Group and Area Tree Preservation Orders, although these are distanced from the application site. The proposed site plan indicates that the existing and replacement buildings are located in close proximity to a mature Dawn Redwood, and the accompanying Arboricultural Method Statement assesses impact on this tree. However, following submission of the planning application in April 2021 (validation complete in November 2021), a Notice of Tree Works Application (TWA/2021/030) approved on 27th April 2021 provided consent for the Dawn Redwood to be felled. An earlier survey of the tree - undertaken as part of a wider survey of trees across the school site - identified basal decay and a cavity within the tree. No objection was raised by the Tree Officer to the felling of the tree and on this basis, replacement planting could not be enforced.
- 15.14 The remaining trees within close proximity of the proposed building are identified within the AMS as having poor quality and with root protection areas that would not be impacted by the building. Consultation has taken place with the Tree Officer who has verbally advised that the remaining trees are of low amenity value, the majority being shrubs as opposed to trees, and would not be adversely impacted by the proposed replacement building. As such, the proposal is not considered to result in any demonstrable harm to trees within the Conservation Area.

Very special circumstances

- 15.15 NPPF para 95 supports the provision of sufficient school places to meet the needs of existing and new communities. Local planning authorities are to

'a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications...'

- 15.16 This does not automatically create the very special circumstances necessary to outweigh harm to the Green Belt but it is material to consider whether the proposed development would address a genuine need for school accommodation that could not be provided outside the Green Belt.
- 15.17 The building will provide improved accommodation for existing pupils and staff. A new purpose-built base with five classrooms for the school's Geography department will allow the reorganisation of existing classrooms to provide necessary specialist science labs. The accompanying documentation explains that since the published admission numbers (PAN) increased by 20 from 240 to 260 in 2017, the school has expanded by 110 students to over 1500 students placing pressure on existing facilities. The proposed building is modest in comparison with the cumulative size of the school buildings and it is considered that the size of the development is justified by the need to provide a suitable standard and size of accommodation. The need for a replacement caretaker facility/store is also recognised as appropriate within the context of the large school.
- 15.18 The proposal would also benefit the setting of the Conservation Area by replacing an existing prefabricated building with one where the design and materials are more in keeping with their context.
- 15.19 It is therefore concluded that in this instance there are very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness and modest harm to openness.

16.0 Conclusion

- 16.1 For the above reasons, the proposal is considered 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 is therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions.
- 16.2 Approval is recommended subject to conditions and informative notes as set out below.

17.0 Recommendation: That the Committee would be minded to GRANT planning permission for the application subject to the conditions below:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan 2039-MEB-XX-00-DR-A-3-100 P2, Proposed Site Plan 2039-MEB-XX-00-DR-A-3-102 P2, Proposed Ground Floor Plan 2039-MEB-XX-00-DR-A-3-103 P2, Proposed First Floor Plan 2039-MEB-XX-00-DR-A-3-104 P2, Proposed Roof Plan 2039-MEB-XX-00-DR-A-3-105 P2, Proposed Elevations 2039-MEB-XX-00-DR-A-3-107 P2, Proposed Elevations 2039-MEB-XX-00-DR-A-3-106 P2, Proposed Elevations in Context 2039-MEB-XX-00-DR-A-3-111 P2 and Proposed Elevations in Context 2039-MEB-XX-00-DR-A-3-110 P2.

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

3. Prior to development above damp-proof course level, details, and samples of all external facing materials for the wall(s) and roof 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.

Informative Notes:

1. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

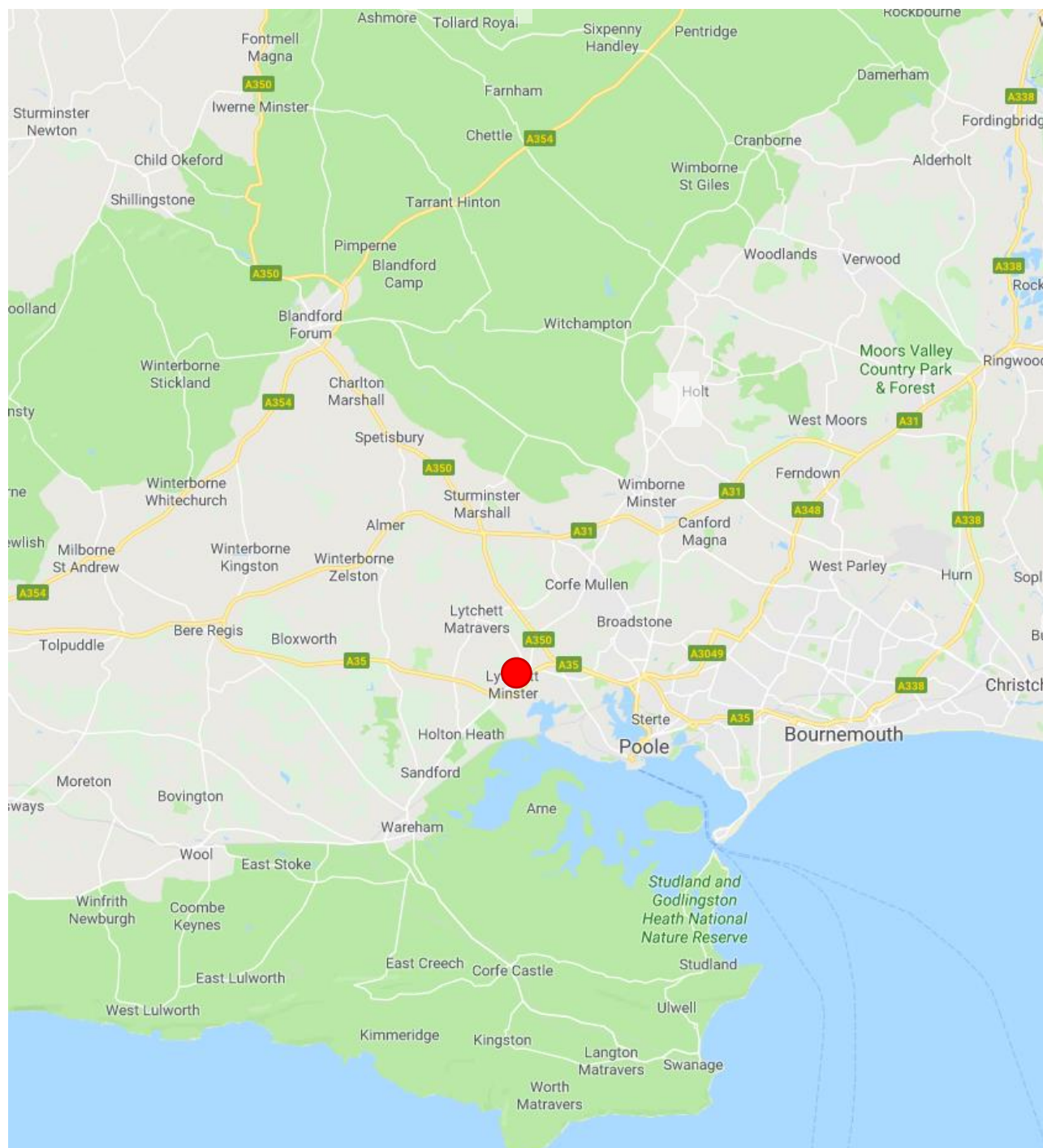
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● Approximate Site Location

Application reference: 6/2021/0204

Site address: Lytchett Minster School, Lytchett Minster, Dorset, BH16 6JD

Proposal: Demolition of single storey classroom building and construction of replacement two storey classroom building.



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