[redacted]

From: [redacted]
Sent: 15 December 2023 14:10
To: [redacted]
Subject: FW: Knoll House - P/FUL/2022/06840

Dear Kim,

I have had a few email exchanges with Matthew Piles, this week, regarding Knoll House and he has directed me to you as the officer who will be looking after matters while Ursula is away.

Would it be possible to arrange a time to speak with you about the email, below? I am conscious that the LPA have adopted a hard deadline of presenting the application to the January Committee, but I am concerned that timeframe does not allow some meaningful issues to be properly considered, including some of the inputs to the AA. This will obviously have a determinative impact on the application, which seems at odds to the approach adopted by the Council over the last 5/6 years in respect of Knoll. I'm not seeking to influence matters of judgement, but there is a huge amount of information which has been submitted at various times over the years and I am of the firm opinion that some of the last issues raised by NE in respect of the potential for effects on the Heathland have been addressed in writing previously by them. On that basis, it seems sensible to ensure that the inputs that go into the AA are as proposed and previously suggested by NE.

It would be good to talk it through as soon as you are able.

Kind regards
Ben

Ben Read MRTPI
Director
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From: Ben Read
Sent: Wednesday, December 13, 2023 2:18 PM
To: Ursula Fay [redacted]

Cc: Anna Lee [redacted]
Subject: RE: Knoll House - P/FUL/2022/06840

Dear Ursula,

Thank you for your time on the phone, yesterday. As discussed, I understand that it is not your intention to respond or review the information submitted on 5th December, which provided reasoned responses to some of the consultations received, particularly landscape. Given that this is one of the principal issues relating to the proposal, it is a disappointing stance to adopt. Similarly, it is not your intention to respond to my earlier email, dated 24th November, regarding clarification in respect of some of your concerns, particularly matters of principle and the prospect of there being an alternative proposal. This is an issue which has been discussed at length over recent years and it had been understood that it was accepted that Knoll House was in need of redevelopment.

Instead of any further discussion, your preferred approach is to continue to finalise a Committee Report and Appropriate Assessment (AA) without further consultation/engagement. This decision seems to have been influenced by, amongst other things, the lack of a formal pre-application submission. However, a pre-application enquiry was submitted and it was agreed that, given the extensive planning history and discussion over the previous 4 years, a bespoke approach to pre-application engagement could be adopted. It should also be noted that a pre-application enquiry was submitted. We had discussions with officers and other consultees in advance of submission to inform this proposal. It is a proposal which also responds to historic comments relating to a previously refused scheme (which was substantially larger in both the number of occupants proposed and GEA). The applicant has sought to engage with officers at every stage and it is considered inaccurate to say that there was not any pre-application engagement. The current position to refuse further engagement also seems at odds with the history of this site, during which the applicant has sought to engage with officers at every stage over two applications and a period of more than 5 years.

Notwithstanding the unresolved planning matters, and the additional information before you, which broadly relate to matters of policy, my biggest concern is the approach being adopted to the Appropriate Assessment. It is understood that your principal concern is the change from C1 only to a mix of C1 and C3 accommodation, despite the proposals to restrict occupancy of the C3 accommodation to holiday accommodation (having reviewed historic meeting minutes and consultation responses since our conversation, this is a matter where common ground has been reached previously). An overall cap on numbers of overnight guests has also been put forward previously, as well as measures to control the nature of occupancy as holiday accommodation (which could be included within a legal agreement, as previously suggested by NE). As a principle, it is understood that the Council, as the competent authority, would not be preparing a bespoke assessment, but would be concluding that the proposal fails the AA by virtue of the introduction of C3 accommodation. This is a position adopted by virtue of the Dorset Heathlands SPD which suggests that proposals for additional development should be refused. However, whilst the sensitivity of the Dorset Heathland is recognised, and the purpose of the SPD is sound in providing supplementary information to support policy, it should not be conflated with the causal effect approach to the Habitat Regulations, which direct that the Appropriate Assessment should be impact driven. In this case, there is also the central issue that an unregulated hotel already exists on site. The baseline is therefore not nil. In the context of Regulation 63, it reasonably requires a bespoke assessment to determine the potential effects of the proposal, not a blanket approach to policy. To do otherwise would be irrational. The submission, including the Shadow HRA adopts a precautionary approach to this assessment, the parameters of which have been agreed with NE previously (if not the conclusions) and that is to consider existing and proposed guests on a like for like basis. In doing so, their position in respect of app ref: 6/2018/0566 (the first application) was that, whilst a significant effect could not be ruled out, mitigation could be effective in addressing the effects. The issue of dispute, with that scheme, was that NE, and ultimately, the LPA did not consider that mitigation could be secured in perpetuity. The current proposal is significantly smaller (a total of 19no C3 Keys less, and a total of 59 fewer people on site). The attached email exchange with NE includes a table of comparable occupancy rates, and it was understood that they were content with this on a numerical basis. The amended scheme which is before you now, reduces this further. The issue raised by NE in their response, dated 9th May 2023, is in respect of non-resident staff impacts. It is understood that the Competent Authority do not usually take non-resident staff into consideration in undertaking an AA, but you will in this case. The reasoning for this is unclear and it has also been agreed previously, as part of the submissions and discussion about Knoll House that non-resident staff should not be taken into account (all of the staff figures presented for the existing hotel have excluded a small number of non-resident staff). Irrespective of this, NE have

previously provided a figure for such an assessment, in considering effects from non-resident staff (references can be provided if you require) at 14.3%. The NE own derived calculation in this regard in respect of the previous scheme was:

'Natural England conclude that there is considerable uncertainty about the numbers of guests and staff and that it would be appropriate, rather than making assumptions about the available evidence, to use maximum numbers.
Current Hotel: 273 guests plus 39 staff resident (annualised) = 312
Proposal: 324 plus residual effects from the 150 FTE staff predicted to be on site (with 14.3% of staff likely to access the designated sites in up to 1 hour visits) = 345

A difference in maximum capacity of 51'

Whilst the maths was incorrect, and the difference was only 33 in that case NE also did not account for the maximum number of staff living on site, instead using a figure supressed following Covid-19 and social distancing measures. The same calculation using the occupancy figures from the current proposal would be as follows:

Current Hotel: 273 guests plus 66 staff (this is the maximum on site staff accommodation capacity) = 339
Proposal: 280 guests plus 14.3% of 112 FTE staff = 296.

In light of the above, and the evidence base submitted over time, it seems astonishing that another alternative approach would not be pursued in undertaking an assessment.

If nothing else, the information set out above, relating to the potential effects of the proposal on the designated sites, when considered against the existing baseline (which is also an in combination issue in the context of Regulation 63 and there is a duty to assess it), has been the subject of extensive discussion. Many of the issues have been explored and addressed. This indicates a strong benefit (to both parties) in ensuring that consistent and evidence base led information is used as the basis of the assessment. Notwithstanding this, various enhancements/mitigations have been proposed such as:

- controls over dog numbers on site (this is currently unregulated and popular amongst existing guests) – the principle has been proposed but the quantum is variable,
- stopping up egress points towards the heathland,
- the woodland walk,
- education packs,
- monitoring contributions and
- controls over maximum guest numbers

These are matters capable of being taken into account in the AA. Many of them have previously been discussed at length and agreed as effective. As a matter of reaching common ground it would be appropriate to engage and agree such matters now.

In light of the matters raised, it is considered that it would be constructive to engage in further dialogue, especially given the number of submissions and information submitted over the years. If officers are intransigent about this, steadfast in presenting the application to Committee on 10th January, with a negative AA, it would prejudice the ability of the Committee (the decision maker) to positively determine the planning application, as set out in the Habitat Regulations. In other words, they would not be entitled to approve the application before them. Whilst officers may have different views to the applicant in respect of matters of policy (and we would welcome the opportunity to narrow the issues here also), those are matters of judgement which would still enable the decision maker(s) to reach their own conclusion, having regard to the Development Plan (when read as a whole) and other material considerations.

Finally, the current extension of time runs until 11th January. The applicant would be agreeable to extending this to allow sensible discussion to take place.

I request that you respond to the issues raised in this email at your earliest convenience.

Kind regards

Ben

From: Ben Read
Sent: 05 December 2023 11:27
To: Ursula Fay [redacted]
Subject: RE: Knoll House - floorspace schedule

Hi Ursula,

I will speak with the architects and get a schedule of floor space for you. In the meantime, please find attached a letter prepared to respond to recent comments received, including respective design and landscape responses. The link below also includes updated viewpoint images, which can be printed at A3 (provided in both hi and low res formats, along with individual viewpoint images).

https://we.tl/t-DShW56I4Y3

Please let me know if you have any comments. I would welcome discussion on matters in due course.

Kind regards
Ben

From: Ursula Fay [redacted]
Sent: 05 December 2023 10:59
To: Ben Read [redacted]
Subject: Knoll House - floorspace schedule

Hi Ben,

I wonder if you would be able to help me by providing an up-to-date schedule of all the floorspace being proposed at Knoll House Hotel? I would need this to include all the floorspace proposed including basements, plant rooms etc. and ideally be broken down at least into C3 and C1 uses. Also I need it to be clear about which parking areas are included or excluded from your calculations.

This will help me report your proposal to the planning committee.

Many thanks,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure
Dorset Council

[redacted]
dorsetcouncil.gov.uk