

[REDACTED]

From: [REDACTED]
Sent: 09 January 2024 10:45
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ursula,

Thank you for your email. The comments in your final paragraph are welcomed, and for the avoidance of doubt (and in accordance with what you set out):

- The applicant would be agreeable to a restriction on use to C1;
- No cats or dogs; and
- Yes, Kingfisher would still like to deliver the woodland walk.

As an aside, they would also still like to deliver the mire restoration. There has been some discussion with your NET who have suggested removing it to avoid conflation. I would hope that, if we do find some way of progressing this scheme, the mire restoration would not be a controversial element to deliver under separate cover.

With regard to the drainage issue, would you ordinarily consult the Trust on such matters? The substantive drainage proposal has not been amended, we have just provided further details to show how it would be delivered. These are matters I would ordinarily expect to be secure by way of a planning condition in any event, requiring more detailed plans and details. Would you be agreeable to providing an update on the acceptability of the proposals to the LLFA?

Kind regards
Ben

From: Ursula Fay [REDACTED]
Sent: 09 January 2024 10:23
To: Ben Read [REDACTED]
Cc: Elisabeth Lucas [REDACTED] Anna Lee [REDACTED] Kim Cowell [REDACTED]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ben,

As advised to you on 24 November:

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

This option remains open to your client should they wish to attempt to negotiate further regarding this proposal.

Regarding amendments, if you review our Guidance Note you will see that we usually only accept one set of amendments on major applications. <https://www.dorsetcouncil.gov.uk/documents/35024/286094/Guidance-note-negotiation-on-planning-applications-FINAL.pdf/30d1f8aa-4736-8d92-706f-ab1f7f20e148>

Regarding your email below, I am indeed referring to the latest response from the National Trust. This states: *We welcome the moving of the surface water discharge away from the north, however, we'd want to see details of the pipe route being proposed and the location of any SUDS infrastructure (especially any pipe route or infrastructure proposed on National Trust land).*

I believe that the National Trust have an interest in seeing the revised drainage details and commenting on them. Knowing this, I would need to consult with them on any further details that are submitted. There is not time to do this and so I cannot accept amendments for a revised drainage scheme at this stage in the process.

Regarding the C1/C3 use class question, is your position now that you would be willing to alter the application to be a C1 use? Also are you now stating you would be willing to accept a condition preventing pets (cats and dogs) from being brought onto the site? Would this be while retaining the woodland walk for residents? If so, I am willing to report this change in position to the committee as an update. However, note that I cannot change the recommendation as this would require reconsultation and a new Appropriate Assessment. Nor can I say what the Appropriate Assessment outcome of such a change might ultimately be.

Kind regards,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure
Dorset Council

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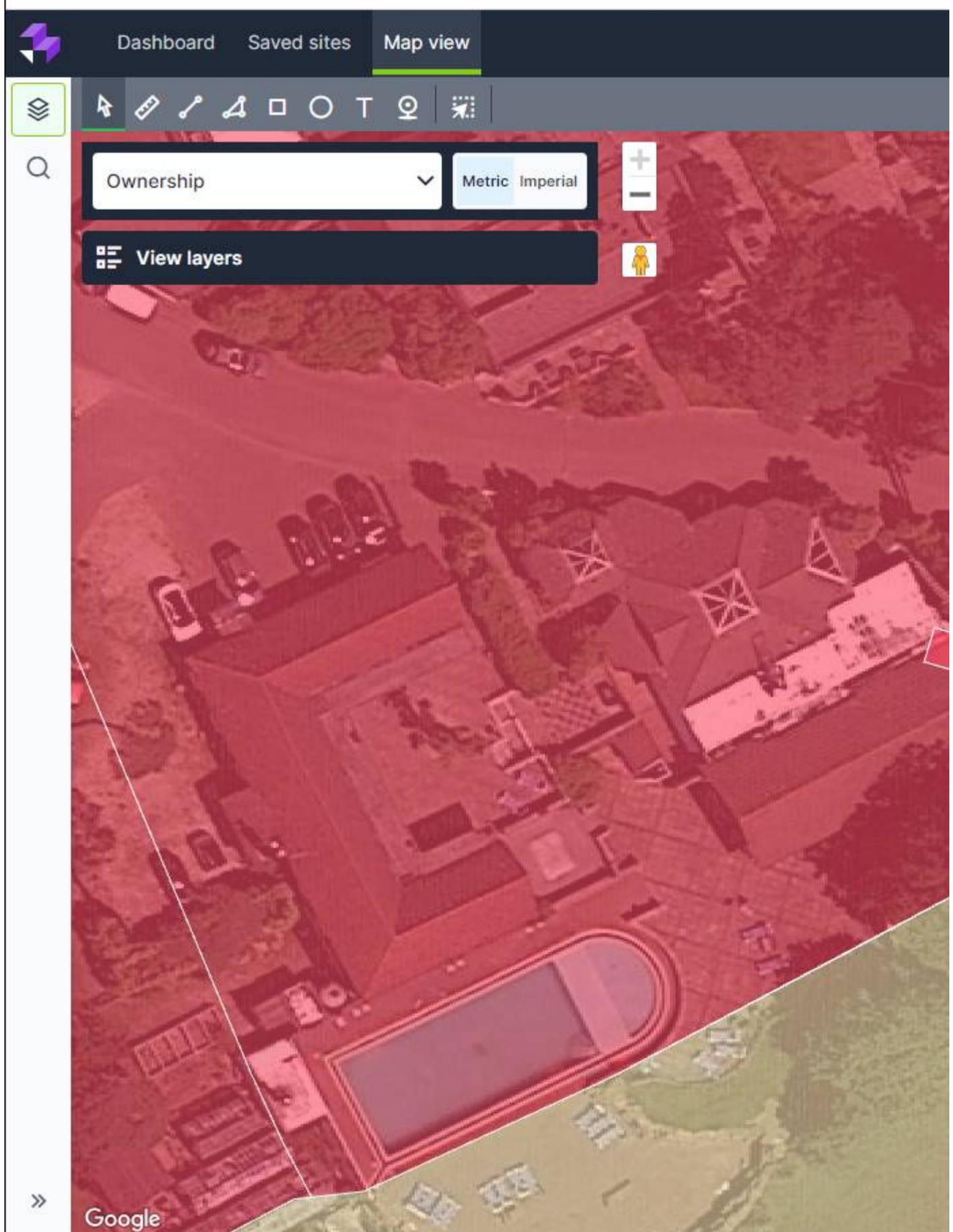


From: Ben Read [redacted]
Sent: Monday, January 8, 2024 10:39 PM
To: Ursula Fay [redacted]
Cc: Elisabeth Lucas [redacted]; Anna Lee [redacted]; Kim Cowell [redacted]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ursula,

With regard to the National Trust Response, are you referring to the latest publicly available response, dated 10th November? The correspondence does not appear to claim that they own this land, it just says that they would like to see any proposal that does include infrastructure on their land. Is there another representation?

I understand the drainage outfall is on the boundary of the applicant's land and the ditch is on highway land. Please see the screenshot from Landinsight, below, which shows the hotel freehold in red, the national trust in green and highway land as an aerial image. The existing surface water ditch lies to the east of the line of trees. I don't believe that the applicant would need the consent of the National Trust to discharge surface water to it.



With regard to the change to C1 issue, is it the case that all amendments require an amended planning application form? I don't think the application prescribes a use class, and I had understood that it is only an issue which is determinative when the description of development is prescriptive about the use (or subsequently requires

amendment) – this was the issue in Finney VS Welsh Ministers which ultimately restricted post determination amendments. Are you able to share the correspondence you had with your solicitor? In my experience, I have amended proposals many times without submitting a new planning application, notwithstanding that the forms do not prescribe a Use Class. Whilst I appreciate that you can only determine what is in front of you, the description of development and the substantive assessment will not change, this would not result in any prejudice to any party. However, in having regard to the effective and reasonable use of planning conditions, such a provision could have the effect (if members were minded to approve) of making a development acceptable where it may otherwise not be. Conversely, to preclude such a consideration is an unreasonable approach. This is a particularly relevant issue here, where much of the Council’s Appropriate Assessment, which I only saw for the first time a few days ago makes much of the issue of use class. I did request a meeting with you at the time of our initial telephone conversation to discuss issues such as this and also to ensure that a full overview of historic and any issue outstanding could be reviewed. I would be grateful if you can come back to me on this?

I hope that the landownership plan is helpful and satisfies any concern about the NT land.

Kind regards
Ben

From: Ursula Fay [REDACTED]
Sent: Monday, January 8, 2024 9:11 PM
To: Ben Read [REDACTED]
Cc: Elisabeth Lucas [REDACTED]; Anna Lee [REDACTED]; Kim Cowell [REDACTED]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ben,

As I discussed with you on the phone, I have already spoken with our legal team who are of the opinion that a C1 use cannot be imposed on this proposal through a condition, given the application form clearly applies for the villas and apartments as C3. I did have discussion with you about changing the application to a wholly C1 use, which would have required submission of an amended application form, however you advised this would not be possible for your client due to their funding model. I do not know whether a change to C1 would alter the outcome of the AA as it was not before us as an application – we can only assess what is submitted.

When considering whether I can accept amendments on an application I need to be sure that there is either sufficient time for consultation or that third parties will not be prejudiced. We have a representation from the National Trust regarding drainage and the proposal is over their land. So in addition to the LLFA being satisfied I would need to know that the National Trust as landowner have accepted the proposals. However, I imagine that in this respect I will be aligned with the LLFA who will also want certainty on this point. If we have agreement from both parties I could update members on this re. reason 3.

Regarding the Biodiversity Plan, I am happy that if this is resolved to the NET Team’s satisfaction then this can be accepted and reported to members re. reason 4.

Could you explain more about your concerns regarding the descriptions of materials for the various buildings on pages 15-16? I took the details from the submitted plans as these hold more weight than the DAS. However, I will be showing some pictures of materials from the DAS as part of my presentation.

Kind regards,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure



From: Ben Read [redacted]
Sent: Monday, January 8, 2024 6:30 PM
To: Ursula Fay [redacted]
Cc: Elisabeth Lucas [redacted]; Anna Lee [redacted]; Kim Cowell [redacted]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ursula,

Please see comments, below, in red on the matters raised.

We also discussed the principles around a C1 only use. I would welcome this being put to the Council's solicitor and members being made aware that it would be legitimate to impose such a condition on any planning permission, should they be minded to approve planning permission or if they consider that such a condition would make the development acceptable in planning terms. In my opinion, I do not see any barrier to doing so in the context of the description of development. The commentary at p44 of the OR also seems to recognise that such a change is possible. In the context of the Appropriate Assessment, much of the consideration and conclusion appears to directly relate to the C3 Use Class and, whilst the sHRA reaches an alternative conclusion, if it was controlled to a C1 use it seems that there is some prospect that an alternative conclusion could be reached, on this matter. At the very least, this could narrow the scope of issues which are informing the reasons for refusal.

Will there be an update to members in respect of any of the other matters raised?

I will revert to you asap tomorrow in respect of both the drainage and Biodiversity Plan.

Kind regards
Ben

From: Ursula Fay [redacted]
Sent: 08 January 2024 14:30
To: Ben Read [redacted]
Cc: Elisabeth Lucas [redacted]; Anna Lee [redacted]; Kim Cowell [redacted]
Subject: RE: Knoll House Hotel App Ref: P/FUL/2022/06840

Dear Ben,

Thank you for your email and letter.

It would be helpful if you could clarify the following as Members will no doubt have questions about these topics.

With regard to economic benefits in comparison to the previous proposal at this site, how is it that net additional impacts on the local economy have increased, while gross direct impacts have remained unaltered? Do you have any updated figures taking into account the amended proposals which removed 4 apartments? **We have now**

discussed this and clarified that we were referring to two different areas of the report. You will draw members to P40 of the OR and confirm that the figures at P55 are incorrect.

In relation to parking, I will highlight to Members that you have identified additional capacity on the site since the previous application. This is likely to lead to questions regarding parking so could you point me in the direction of the plan showing how the existing car parking provision has been calculated as referenced at para. 2.21? I cannot see it in the Appendixes. I have attached a copy of the plan which was prepared in respect of the first application by the Highways Consultants. When the revised scheme was prepared a further study of the site indicated space for a further 7 vehicles as annotated on the plan.

Regarding the submitted drainage information, I have checked with the LLFA and this does not remove their objection to the proposal. Our drainage consultant has made contact with the LLFA. If the information is acceptable to them, will you be agreeable to removing the reason for refusal? Similarly, will you be agreeable to removing the reason relating to the Biodiversity Plan, if the details provided are acceptable to the NET?

Many thanks,
Ursula

Ursula Fay
Lead Project Officer
Economic Growth and Infrastructure
Dorset Council


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From: Ben Read 
Sent: Sunday, January 7, 2024 7:04 PM
To: Ursula Fay 
Cc: Elisabeth Lucas ; Anna Lee ; Kim Cowell 
Subject: Knoll House Hotel App Ref: P/FUL/2022/06840

Hi Ursula,

Thank you for your email about the recent NET comments, and comments on the subsequent BP submitted. The applicant's ecologist is speaking with NET directly with the aim of trying to resolve it before committee, in spite being raised for the first time at the 11th (I would say nearly 12th) hour!

In addition, please find attached a copy of a letter prepared setting out a number of errors in the Officer Report to committee. Some are more substantive than others, but they do warrant an update to members and the Report itself to ensure that the Committee are not being misguided on what is before them. I have copied in Kim and Anna, because I spoke with Kim before Christmas to plead our case to defer the application and also left a message with Anna to the same effect. The letter re-affirms the request to defer the presentation of the application to members. There are a number of resolvable issues which have been raised at a very late stage and the OR recognises that you have not considered any of our submissions since the beginning of December, despite a number of consultee comments being received for the first time since then which go to the heart of reasons identified for refusing planning permission. This is a complicated site, the application has been with the LPA for over a year and a number

of the factual errors set out are also relevant to predicating the AA on erroneous inputs – matters which I think reasonably direct that it should be deferred.

Notwithstanding the above, there are a few key issues in the letter, which I draw to your attention:

- The revised Drainage Strategy (attached) was requested by both Natural England and the National Trust. The applicant sought to accommodate these in the interests of good practice and a co-operative approach. The LLFA had previously (as part of the first application) raised no objection in respect of a drainage strategy which discharged surface water to a watercourse west of the site. This would discharge towards Littlesea, but the site does already in an unregulated manner. The proposal, irrespective of the direction of the outfall, would result in betterment in terms of water quality compared to the current situation. This a material issue for both the planning application and AA;
- The commentary regarding the applicant declining to engage on a C1 only scheme is inaccurate. I have previously requested that the LPA consider this;
- The commentary relating to control over dogs in the accommodation on site, refers to difficulty over enforcement (but does concede that centrally managed proposals could implement it), but does this refer to an absolute control (i.e no dogs at all)? This would be relatively straight forward to manage;
- A number of benefits of the scheme pertaining to economic forecasts and trip generation (air quality) reductions do not reflect the current proposal – I think they may have been extracted from the OR relating to the previous scheme. The trip generation and therefore air quality commentary is material to both the planning application and the AA; and
- The OR does not consider highly relevant elements of the emerging LP, including Policy E8. Irrespective of the weight you give, and I do think that the analysis of paragraph 48 of the NPPF directs that an emerging Plan which has been subject to examination, initial findings of the Inspector and two subsequent Main Modifications Consultations should be afforded substantial weight. It has reached a very advanced stage, as directed by the PPG.

In conjunction with the drainage commentary I also attached the update Strategy and FRA (FRA via this link: <https://we.tl/t-3jnss3oaeY>).

Please let me know if you would like to discuss any of the issues raised – I would welcome it in the interests of narrowing the issues and ensuring that the information presented to members reflects what is proposed. I would also be grateful if you can confirm receipt of this email.

Kind regards
Ben

Ben Read MRTPI
Director
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