

[REDACTED]

From: Ruth Harding [REDACTED]
Sent: Wednesday, October 25, 2023 1:39 PM
To: Hannah Kersley <Hannah.Kersley@arun.gov.uk>
Subject: RE: BR/97/22/PL - Former Royal Bay Care Home - Amended plans and Planning Statement Addendum to respond to issues raised.

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I'm so sorry – ran late with a meeting. Will phone you now.
Kind regards
Ruth

Ruth Harding (BSc, MA, MRTPI)
Gemini Planning Services Ltd
[REDACTED]

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From: Hannah Kersley <Hannah.Kersley@arun.gov.uk>
Sent: Tuesday, October 24, 2023 1:14 PM
To: Ruth Harding [REDACTED]
Subject: RE: BR/97/22/PL - Former Royal Bay Care Home - Amended plans and Planning Statement Addendum to respond to issues raised.

Dear Ruth,

That's great, thank you. Yes if you could give me a call at 01903 737856 that would be perfect, thanks.

Many thanks also for sending the email trail and attached documents – I can confirm I have received everything and am able to see them.

Speak to you tomorrow.

Kind regards
Hannah

Hannah Kersley (she/her)
Planning Officer, Development Management

T: 01903 737856
E: hannah.kersley@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
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Please note I do not work on Wednesday and Thursday mornings

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From: Ruth Harding [REDACTED]
Sent: Tuesday, October 24, 2023 12:30 PM
To: Hannah Kersley <Hannah.Kersley@arun.gov.uk>
Subject: FW: BR/97/22/PL - Former Royal Bay Care Home - Amended plans and Planning Statement Addendum to respond to issues raised.

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Dear Hannah

Yes, I can confirm that 1.30pm tomorrow (25 Oct) will be fine for me. Shall I phone you on the number at the end of your email or would it be easier for you to call me ?

In the meantime I am forwarding quite a long email trail which hopefully will help. Then we can run through things when we speak. The email should have attachments with it (2x amended drawings, 3x photographs and an Addendum Planning Statement). Please do let me know if you are able to see these documents – if not I will forward separately to you.

Kind regards
Ruth

Ruth Harding (BSc, MA, MRTPI)
Gemini Planning Services Ltd



From: Ruth Harding
Sent: Monday, September 11, 2023 2:31 PM
To: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Cc: planning@arun.gov.uk
Subject: FW: BR/97/22/PL - Former Royal Bay Care Home - Amended plans and Planning Statement Addendum to respond to issues raised.

Dear Maria
Would you kindly acknowledge safe receipt of my email and attachments from last week (Weds 6th September) so that I know the information will be put on the file and duly taken into account.
Many thanks and kind regards
Ruth Harding

Ruth Harding (BSc, MA, MRTPI)
Gemini Planning Services Ltd



From: Ruth Harding

Sent: Wednesday, September 6, 2023 12:25 AM

To: Maria Tomalova <Maria.Tomalova@arun.gov.uk>

Subject: RE: BR/97/22/PL - Former Royal Bay Care Home - Amended plans and Planning Statement Addendum to respond to issues raised.

Importance: High

Dear Maria

Further to our recent discussions regarding this application, I am forwarding amended plans which reflect the minor alterations that have been carried out to the property by request of the Council's HMO officer in order to comply with the licensing requirements. I would add that this process has been slow, but not because of the Applicant's reticence, but because the Applicant has been working closely with the HMO officer and at his pace, to ensure compliance of what is a complex HMO premises (The HMO Officer's words). I would also add that this work has been done at considerable cost (I understand in the region of £30,000) because there has to date been no indication that the use of the building was of concern.

The amended plans show a larger kitchen area and additional toilets/shower room at ground floor level. The amended site layout plan also shows the external amenity spaces associated with the building and the up-dated location of the bin store. Photographs of the upgraded kitchen and high quality dining space are also attached. I would be grateful if you could add these plans to the file.

In your email you raised the issue of the external amenity space and you referred me to a recent appeal decision. You also raised the issue of the recent Article 4 Direction. I have responded formally to these issues in the attached Addendum Planning Statement. This document is self-explanatory but I have copied the text below for ease of reference.

Extract from Addendum Planning Statement

Article 4 Direction

It is understood that an Article 4 Direction has been imposed on the area within which the application property is located. To be clear, this is not a new planning policy on HMOs. The purpose of the HMO is to prevent permitted development rights from C3 to C4 HMOs from automatically being exercised. It simply means that planning permission must be sought for such changes of use. As such the Article 4 Direction itself has absolutely no bearing on the current application and how a decision should be made.

Amenity Space

It is strongly refuted that there is a lack of private amenity space at Royal Bay and that this should point towards the application being unacceptable.

The appeal decision at 83 Aldwick Road (APP/C3810/W/22/3296267) makes clear that 40sqm of outside amenity space is the starting point for HMOs. The Inspector writes at paragraph 7 of the decision letter:-

7. The Arun District Design Guide Supplementary Planning Document (SPD) states the minimum outdoor space provision for residential communal shared spaces is 40sqm. Irrelevant of whether the proposal would constitute 1 or more residential units, a minimum should be the starting point and the SPD also requires that outdoor space should be usable and enjoyable.

In the case of Royal Bay, there is well in excess of 40sqm of outdoor space. At ground level there is a picnic area of approximately 50sqm, green space in the front garden (also of approximately 50sqm) and covered space adjacent to the building entrance comprising approximately 18sqm. Furthermore, at first floor level there is a large balcony area of 15sqm which is similarly useable and practical (and would count as amenity space according to the SPD). All these areas are useable and enjoyable outdoor spaces and can be used for sitting out and socialising. This brings the **total outdoor amenity space to approximately 133sqm**. These spaces are shown more clearly on the amended ground floor and site layout plans.

It should also be borne in mind that there is extensive and good quality indoor communal space within the building in the lounge, dining and social areas shown on the submitted floor plans) at both ground and first floor levels (see

plans and photographs). The amenities of the agricultural workers are therefore very well served within the site. When not at work, agricultural workers who reside at Royal Bay take walks on the beach and in the town. There is also barely a time when all workers are present in the building at the same time (due to the very purpose of the accommodation to house seasonal agricultural workers). For all of these reasons the comparison with the appeal at 83 Aldwick Road is un-substantiated and disingenuous.

The Planning Balance

The Appeal Inspector in the 83 Aldwick Road appeal makes clear that his decision was based on the tilted balance approach, triggered by paragraph 11dii of the NPPF and resulting from the failure of the Council to demonstrate a 5 year housing supply. In this appeal decision, the Inspector correctly weighs the issues in accordance with the tilted balance methodology, i.e. not simply weighing positives against negatives but weighing whether any negatives “significantly and demonstrably outweigh the benefits”, as required by paragraph 11dii. In other words to justify a refusal, the negatives have to not just balance out the positives but have to be significantly and demonstrably worse than the positives. The Inspector in this case decided that the inadequate amenity space for occupants was harmful enough to significantly and demonstrably outweigh the modest positive contribution towards housing provision. This current application at Royal Bay is very different because there are inherently more positive benefits in the planning balance. These include:-

- Providing essential housing for 58 individuals who are vitally needed locally to support the agricultural and horticultural sectors (ie local farms and nurseries).
- Providing local jobs (involved in managing and maintaining the facility)
- Direct and indirect benefits to the local economy through increased local spending in shops and for services.
- Bringing vacant floorspace/previously developed land back into beneficial use, wholly aligned with NPPF priorities.
- Property has been refurbished and repaired, with a new roof as well as other external improvements. This has refreshed and upgraded the physical fabric of the building and improved its visual appearance in the street scene.
- The internal facilities have been substantially upgraded in line with the HMO Officer’s requests and at a cost of over £30,000. These improvements have been the result of a number of months of discussions with the Council’s Environmental Health Department and have been agreed with the HMO Officer. (The quality of the accommodation is shown clearly in the submitted photographs).

If there are any disbenefits of the scheme, these must significantly and demonstrably outweigh all of the benefits of the scheme that have been detailed in the application. There is no evidence of harms to neighbours through noise and disturbance. Indeed, the facility is well-managed and there have been only compliments, no complaints. In the absence of any harms, there is nothing to weigh in the balance and therefore the tilted balance points firmly towards granting planning permission in line with the requirements of Paragraph 11dii of the NPPF and the methodology of the Appeal Inspector’s decision at 83 Aldwick Road.

Please can you confirm that all of the attached documents will be added to the planning file formally and that they will be taken into account when reaching a decision.

Kind regards
Ruth Harding

Ruth Harding (BSc, MA, MRTPI)
Gemini Planning Services Ltd



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