

Simon Davis

From: Simon Davis
Sent: 05 February 2024 17:03
To: [REDACTED]
Subject: RE: BR/97/22/PL Royal Bay

Categories: Talk to Dan

Dear Ruth,

Sorry, just noticed an error in my email below. Please see below changes in red to the first paragraph under Pagham Harbour.

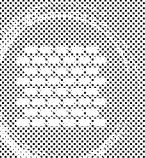
Kind Regards.

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From: Simon Davis
Sent: Monday, February 5, 2024 12:48 PM
To: [REDACTED]
Subject: BR/97/22/PL Royal Bay

Dear Ruth,

I have just been reallocated this case and I have been instructed to deal with it promptly.

I have looked through the emails you previously had with Maria and then Hannah. I have also spoken with Hannah, and it appears the main issues of contention relate to amenity space and to the Pagham Harbour Agreement. I summarise my thoughts on these matters below:

Pagham Agreement

We require a Pagham Agreement for HMO uses as they are a form of residential use. Our standard way of calculating the contribution is to treat every 3 HMO ~~bedspaces~~ ~~rooms~~ ~~dwelling~~s as 1 'dwelling'. Your application is for 58 HMO ~~bedspaces~~ ~~rooms~~ and 2 live-in members of staff. As it appears that the 'staff' rooms are the same format as the HMO ones ~~(there is nothing on the plan to differentiate this/these)~~ then I will treat all of these as HMO rooms. Therefore $60/3 = 20$ dwellings. The current contribution rate is £938 ~~per net new dwelling~~ therefore the requirement is £18,760.

I do agree that the existing use should be taken into account as the contribution is calculated on the net gain in units. However, we would need more information to calculate the impact of the existing care home. We borrow the guidance from Chichester DC on such uses which sets out:

The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the District Council. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation will be required for any staff living on-site. Retirement properties designed for independent living with parking provision, and which allow pets will be treated the same as C3 residential properties.

It is unclear from the application/the supplied CQC report whether pets were allowed or whether residents had their own parking but if neither was allowed then we would treat the existing use as generating zero recreation pressure and so the full HMO contribution set out above would be required.

The one anomaly in this is an appeal decision from March 2023 concerning change of use of a care home to a HMO at 41-45 Nyewood Lane, Bognor Regis (our ref BR/86/20/PL). I argued at a hearing that the contribution should be calculated on the basis of the above, but the appellant argued it should be per HMO unit with no regard for the former care home use. The Inspector went with the appellants method stating:

"The appellant instead proposes the provision of mitigation per unit, and, in the absence of a properly evidenced alternative from the Council, this represents the most precautionary approach. Natural England has furthermore confirmed that this would provide appropriate mitigation."

I note your point about the workers not having pets. We could discount the contribution by 50% as we do with student accommodation, but this would need to be properly evidenced by yourself (e.g. does the accommodation contract specify this?). It would also then need to be restricted by condition or agreement.

Amenity Space

You have referred to the appeal decision at 83 Aldwick Road which stated 40m² should be the minimum communal amenity space. However, this was then also partly dismissed having regard to the quality of the space which was deemed too compact to be useable or enjoyable.

The appeal decision at Nyewood Lane referred to above ref Pagham Harbour also commented on this matter and made reference to some previous decisions where a lower m² of space per person had been accepted by the Council. The m² for the appeal proposal was 3.56m² per resident which exceeded some other sites including Ashley House (1.71m²) and indeed the temp permission for the Royal Bay Care Home (stated to be 0.7m² based on 41m²). It is unclear where the amount of 41m² comes from, but it may represent the rear area which is a compact space. Even if I now take your figure of 133m², then the figure is 2.22m² which is lower than the appeal decision.

I agree that you meet the minimum amount per the 83 Aldwick Road decision however given the other appeal decision and the comments on the former regarding the quality of the space, this is not a clear-cut issue. I will need to speak with my manager about this to agree our position.

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Notwithstanding the above, given the length of time we have had this application, our preference would be for yourself to withdraw and resubmit. Also, Hannah mentioned that when you last spoke in October you had suggested the accommodation might not be needed in 6 months' time. Is this still true?

Lastly, I note that amended plans were received by us on 06/09/23 but these have not yet been added to the file by either previous officer. Please advise whether you still want these adding to the submission.

Kind Regards

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