

SPACE IN TIME
ARCHITECTS & INTERIOR DESIGNERS
PARTY WALL SURVEYORS

Concorde House
18 Margaret Street
Brighton
BN2 1TS

Mr N Crowther
Group Head of Planning
Arun District Council
Planning Department

Email – Neil.crowther@arun.gov.uk
Planning@arun.gov.uk

13 January 2021

Dear Mr Crowther

Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

I write on behalf of my client, Dr Alistair Smith, who owns and occupies No 36 King Street, Arundel, adjoining the application site. Dr Smith's property was built in the Circa 1780 (no foundations) and formed part of a group of church properties before the Cathedral was built.

He has spent over £150,000 on preserving and restoring his Grade II listed property which sits at the top of King Street, approximately 15 metres (shared boundary) from the Cathedral and shares a further boundary with White Cottage.

His concerns for his property have been documented in my original letter of objection dated 16th November 2020, a copy is attached for ease of reference.

Since then the Applicant has been granted two extensions of time and there has been no communication from the Case Officer as to why these were granted. The first one was granted one day before the original date of determination and the second, was seen by chance due to a letter on the Planning Portal from the Applicant's Agent, stating he preferred to have "conditions" attached, presumably to the *approval* promised by the Case Officer, than a resubmission.

As you know, the corner stones of the Planning Act are transparency and even-handedness, so why has a deal been struck with the Applicant without the knowledge of my client? We therefore request a transcript of the virtual meeting or phone call between the Applicant's Agent and the Case Officer.

My client has spent a great deal of his professional time in defence of his property against the harm threatened by the proposed development; and not once has the Case Officer visited his property, 36 King Street, nor discussed the potential physical damage the proposed development will cause.

I would draw your attention to your Council's policies as related to Planning and the District Plan:

Policy No.

16 "Building Conservation & Archaeological Heritage":

16.1 "Built Heritage – to protect and enhance Arun's outstanding landscape";

- 16.1.2 "The historic environment is worth protecting for its own sake ...";
- 16.1.4 "The elements of the historic environment that are worthy of consideration in planning matters are referred to as 'Heritage Assets'.";
- 16.1.5 "It is the heritage significance that justifies the degree of protection offered in planning decision. The aim of the Policies within the plan is to conserve these assets.";

So far, neither you nor your officers have offered any protection to my client's Grade II listed building, at the same time, the current application if determined by the Committee with approval, would cause the maximum amount of harm to his building and would be contrary to all the above Council's Policies.

Impact on Amenity

The application proposes to destroy an ancient beech tree hedge which is 175cm wide and 280 cm tall and is very unique as being mainly confined to large country houses of its era. This would be contrary to Arun's policy 17 referenced below:

Policy No.

17 "Natural Environment":

17.1 "Natural Environment"

17.1.1 "People cannot flourish without the benefits and services our natural environment provides. ...";

17.1.2 "The NPPF states that to minimise the impacts on biodiversity and geodiversity local planning authorities must identify and map components of the local ecological networks,.... /wildlife corridors and stepping stones that connect them....";

Including Policy ENV SPI – Natural Environment "Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment.... ."

The Applicant proposes to take out 7-8 metres of this unique hedge together with all the wildlife habitats and established wildlife corridors, runs and trails and replace it with a blank brick wall, 4 metres in height with a truncated pitched roof of a further 1.5 metres. This wall would be on the boundary line, 1.4 metres from my client's property and his Living room and Study windows, which for 250 years have had quiet enjoyment of the garden and beech hedge through which the sunlight filters.

The loss of amenity is severe. Daylight will be reduced to almost zero in the winter months and sunlight in the Summer, to a few hours. This falls far short of the **Daylight/Sunlight Assessment** calculated in accordance with the **BRESITE Layout Planning for Daylight/Sunlight**, a guide to good practice and British Standard BS8206-2. Furthermore, the windows in the property are entitled to **Ancient Lights status** and are protected under Prescriptive Rights, 1662. Therefore, the plan of the Applicant, if approved, could not go ahead in any case.

My client has provided a Structural Engineer's report in the absence of a similar report from the Applicant. This has been notified to the Case Officer, indicating that the South wall of my client's residence would have to be underpinned and an Award would have to be made under the Party Wall Etc Act 1996, indicating that the 6 metre rule would apply and the Building Owners of White Cottage would have to move the North wall of the proposed development back by 6 metres to the footprint of the previously demolished building. The Party Wall Act is not only a 'civil matter' as the Case Officer makes out, it is also there to protect the built environment and supersedes the Planning Act on site. I suggest that you discuss this with the Applicant's Agent, since you have not requested any reports from the Applicant.

The Loss of Amenity would be detrimental to my client's health and if you would be minded to recommend approval to the Committee, he would contest a resulting permission in the High court under a Judicial Review. Furthermore, my client's property which is worth upward of one million pounds in today's market, would be seriously devalued and he would be seeking compensation from Arun District Council. I would strongly suggest that the Case Officer and the Heritage Officer visit my client's property and see the enormous amount of harm that could result to the Grade II listed building and then discuss at a virtual meeting, a possible compromise solution before going to Committee.

Obviously, time is of the essence and I request a direct response from yourself and the earliest opportunity.

Yours sincerely,

A large black rectangular box redacting the signature of Prof JJ Watts.

Prof JJ Watts FRIBA MRAIC ARB

Enc

cc.

Director of Place

Chairperson – Planning Committee



Arun District Council
Planning Department

By email - planning@arun.gov.uk

16 November 2020

Case Officer Mr Z Denton
Case reference AB/109/20/HH
Extension - White Cottage 32 King Street Arundel BN18 9BW
Objection
Planning online comments ref: OWPC31410 (part one) and OWPC31411 (part two)
With supporting attachments

Dear Sir,

PART ONE

Principle - Extension to 32/34 White House, King Street, Arundel

We on behalf of our client, Dr Alistair Smith, who owns and occupies 36, King Street, Arundel BN18 9BW, write to object strongly with regard to the above application which is for the adjoining property to our client's Grade II listed building. The development would cause material adverse effect on the fabric, character and setting of the listed building on the following grounds:

- Ref: PPG15 to ensure that the appearance and special character of the listed building is preserved for the future.
- The proposed development is contrary to Policy AR1 of the Arundel Neighbourhood Plan and Arun Policies D DM1, D DM4 and D SSP1.
- The size of the proposed Development INCREASES the site coverage by approximately 40% rather than decreases it as reported by the Case Officer with ref to the case AB/43/20/PL and is contrary to the Planning (Listed Buildings) REPORT_1011(ODB) and Conservation Areas Act 1990 (as amended).
- Furthermore, the proposals are contrary to Arundel NPR sections 5.1, 5.2, Policy 13.

Design and Visual Amenity

The design is of a particularly poor standard and is subject to being viewed from the East and the adjoining properties to South and North and the grounds of the Grade I listed Cathedral and are

considered to be contrary to policies D DM1, D SP1 and D DM4 of the Arun Local Plan and the impact on the Neighbouring properties, four of which are listed buildings, will be significant. It is also contrary to Arun Policy 4, 4.1, 4.2 and 4.3 and will materially affect the character of the Conservation Area and the setting of the Surrounding listed buildings, in particular, our clients building No. 36 Kings Street, Arundel.

Impact on Grade II listed building, in particular 36 King Street

The proposal we consider to be in conflict with the Council's policies aimed at property with special character and ambience of listed buildings. The impact of the loss of amenity due to the proposed removal of the ancient beech hedge and its replacement with a 10 metre long blank wall would cause material nuisance, visual and amenity loss to our client of an unacceptable level and liable to be detrimental to human health. There would be significant loss of sunlight and daylight. We have calculated this in accordance with the Building Research Establishment Guide and BS8206-2

Damage to Fabric

The listed building at No. 36, dates circa 1780 and major construction repair including iron rods ties and escutcheon plates were inserted between the rear and front elevation on the South East and South West corners in accordance with an approved listed building application.

At the time of the investigation it was revealed that the listed property (No. 36) was founded directly on the chalk subsoil with no particular foundations therefore any disturbance caused by the development of the proposal would be unacceptable within a distance of 6 metres. This would also be covered under the Party Wall etc. Act 1996 and with regard to the 6 metre rule and special foundations in order to prevent possible damage to the listed building.

The removal of the ancient hedgerow is unacceptable and the conclusions in the Bio Diversity report submitted with the planning application for the proposed development, does not list many of the species of bird and animal life local to the area. We feel that the Bio Diversity report provided is totally inadequate. We have provided by way of email an email from Sussex Wildlife with supporting documentation which includes our obtained Bio diversity summary to a report.

PART TWO continuaton...

Due to the age of hedge is also believed to be protected by the Hedgerow regulations. Furthermore, under the Party Wall etc Act, because it straddles the boundary line between 32/34 and 36 King Street, is it deemed to be a party fence and cannot be removed without the permission of both parties. In this instance the Party Wall Act would supersede the Planning Act.

Ancient Lights

No 32/34, White cottage, was built with its Eastern wall held back for the preservation of light to the windows on the South elevation of the listed building at No, 36. Therefore No further construction can take place on the boundary between 32/34 and 36 as proposed. The height of the proposed wall would preclude light to all windows on the south elevation. This prescriptive right dates back to Circa 1690.

Planning – Historic Environment

We would draw your attention to the Arundel Town Planning Policy, 4.3 PP35 Planning for the Historic Environment and National Planning Policies, PPS1. Also Policy 4.4.1, and Policy GEN 22, dealing with

building of structure, character and settings alterations, extension or other development which would adversely effect the appearance or setting of such building or structures will not be permitted. We would remind the LPA of their own policy No. 13 The managing of development for Compliance for the purpose of best practice para 13. To this date, no site visit to No. 36 King Street has been requested and no assessment has been made by the Case Officer with regard to the harm that could be caused to the listed building.

We consider the proposals to conflict with the established adopted Council policies aimed at protecting the special character of the Conservation Area and the local listed buildings. The National Planning Policy Framework states that the proposals should sustain and enhance the significance of the heritage asset and section 72 of the Planning (Listed Building and Conservation Area) Act 1990 requires that, in exercising its powers under the Planning Acts in respect of the buildings or other land with a Conservation Area, the Local Authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. 'Preserving' in this instance means doing no harm.

There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a Conservation Area or listed building. It is therefore considered that these proposals would not conform to the requirements of the primary legislation and for these reasons should be refused.

Yours sincerely,

A large black rectangular box redacting the signature of Prof John J Watts.

Prof John J Watts FRIBA MRAIC ARB

This electronic objection through the online comment's facility has also been sent by email to the case officer and to the general planning email with supporting documentation.

CoBRA Number	Site Name	Species Name	Arrival Date	Number	Breeding Status	Grid Ref	Notes	Source Name
2484359	Arundel	Common Swift	01/06/2011	5	T	TQ015070	Date arb.-Estimated number of screamers @ (TQ01530707) [Maltravers Street]	National Biodiversity Network (Gateway)
1235255	Arundel	Common Swift	29/06/2009	8	T	TQ016070	Centre of Arundel - 8 in air chasing and screaming.	
1643959	Arundel	Common Swift	01/06/2011	28	T	TQ016070	{MALTRAVERS STREET} Screaming party - date arb	National Biodiversity Network (Gateway)
1644172	Arundel	Common Swift	01/06/2011		ON	TQ016070	Date arb - nest location	National Biodiversity Network (Gateway)
2484118	Arundel	Common Swift	01/06/2011	1	ON	TQ015071	Date arb.-Estimated no of nests @ (TQ01570716) [maltravers street; arundel]; {House}; {Bld age - Pre-1919}; {Bld age - Pre-1919}; {Bld age - Pre-1919} (at risk)	National Biodiversity Network (Gateway)
2484148	Arundel	Common Swift	01/06/2011	1	ON	TQ015071	Date arb.-Estimated no of nests @ (TQ01530715) [MALTRAVERS STREET]; {House} {at risk}; {Bld age - Pre-1919}; {Bld age - Pre-1919}; {Bld age - Pre-1919} (at risk)	National Biodiversity Network (Gateway)
2484465	Arundel	Common Swift	01/06/2011	7	T	TQ015071	Date arb.-Estimated number of screamers @ (TQ01570716) [maltravers street; arundel]; Est no near nests = 1; {House}; {Bld age - Pre-1919}; Site history - >1yr;	National Biodiversity Network (Gateway)
2484750	Arundel	Common Swift	01/06/2011	28	T	TQ015071	Date arb.-Estimated number of screamers @ (TQ01530715) [MALTRAVERS STREET]; Est no near nests = 1; {House}; {Bld @ risk}; {Bld age - Pre-1919}; Site history - >10yr;	National Biodiversity Network (Gateway)
1643960	Arundel	Common Swift	01/06/2011	7	T	TQ016071	{maltravers street; arundel} Screaming party - date arb	National Biodiversity Network (Gateway)
1644173	Arundel	Common Swift	01/06/2011		ON	TQ016071	Date arb - nest location	National Biodiversity Network (Gateway)
1130256	Arundel	Mistle Thrush	26/02/2009	2	X	TQ013074		
3051969	Arundel	Tawny Owl	19/06/2015	1	X	TQ014074		iRecord Records

Fw: King Street, Arundel

From: [REDACTED]

To: [REDACTED]

Date: Monday, 16 November 2020, 18:44 GMT

----- Forwarded message -----

From: John Watts [REDACTED]

To: Alastair Smith [REDACTED] c watts [REDACTED]

Sent: Friday, 13 November 2020, 15:33:35 GMT

Subject: Fw: King Street, Arundel

On Friday, November 13, 2020, 2:38:12 PM GMT, SxBRC Data Requests [REDACTED] wrote:

Hi John,

I've completed a data search for you which includes notable bird records, which are usually excluded from our free of charge reports. I contacted SOS to get their permission to share them with you, and they send the attached spreadsheet and email below:

Thanks Lois – please use the 'notable birds' – I rather doubt there will be anything in the data precise enough to be of help to Mr Watts. Although there are over 8k records in C2 for the 1km TQ0107, in which King Street lies, only 1404 in this square have a 100m NGR and most of these are from the northern portion of the square at Swanbourne Lake or the corner of the WWT reserve. Just a dozen records are located anywhere near King Street and are mainly Swifts from nearby Maltravers Street. The attached contains these records all of which I suspect are with you.

Cheers

John

You can download the SxBRC Biodiversity Desktop Report here:

https://sxbrc.org.uk/documents/clientfiles/loismayhew/SxBRCReport_KingStreetArundel.zip

It's unlikely there are any records specific to the hedge unless either homeowner has been submitting them to us. I understand you've already had contact with Charlotte at Sussex Wildlife Trust's Wild Call service, so should have received advice on commenting on planning applications from her. Your next port of call is probably with the planning office at the council.

Best of luck!

Kind regards,

Lois

www.sussexwildlifetrust.org.uk

From: John Watts [REDACTED]
Sent: 12 November 2020 12:29
To: SxBRC [REDACTED]
Subject: Fw: Message to SxBRC: Planning Application AB 109 20 HH White Cottage, 32 King Street, Arundel ,West Sussex,BN18 9BW.

ATTENTION -LOIS

----- Forwarded Message -----

From: SxBRC [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 10, 2020, 5:37:47 PM GMT
Subject: Message to SxBRC: Planning Application AB 109 20 HH White Cottage, 32 King Street, Arundel ,West Sussex,BN18 9BW.

Dear Professor John Watts FRIBA

Thank you for contacting Helen Burgess at the Sussex Biodiversity Record Centre, a copy of the message you sent can be found below:

We are acting on behalf of the adjoining owner in 36 King Street,Arundel, BN 18 9BW.,which is a Grade 2 listed building circa 1780. The ancient beech hedge between the two properties,is 2.7mtrs high,and 1m thick, is in danger of being 50% destroyed, if the proposals are approved. (photos under separate cover)

It is in the Arundal Conservation Area,and we would appreciate any records you have of habitats,or nestings,or advice you can give to get this application refused. Sincerely John Watts.

We will respond to your message as soon as possible.

Best Wishes

The SxBRC Team

Sussex Wildlife Trust is a company limited by guarantee under the Companies Act. Registered in England, Company No. 698851. Registered Charity No. 207005. VAT Registration No. 191 305969. Registered Office: Woods Mill, Henfield, West Sussex BN5 9SD. [REDACTED]



Arundel King Stree data.xlsx
10.5kB

Ecological Data Search SxBRC/20/605 - Summary Report

An ecological data search was carried out for land at King Street, Arundel on behalf of Professor. John Watts on 13/11/2020.

The following datasets were consulted for this report:

	Requested	Radius/buffer size
Designated sites, habitats & ownership maps	Yes	0.5km
Protected, designated and invasive species	Yes	0.5km

Summary of results

Sites and habitats

Statutory sites	1 SSSI / 1 National Park
Non-statutory sites	2 LWS / 1 Designated Road Verge
Section 41 habitats	4 habitats
Ancient and/or ghyll woodland	Present

Protected and designated species

International designations	45 species	439 records
National designations	138 species	3,269 records
Other designations	264 species	6,167 records
Total	286 species	6,506 records
Invasive non-native	31 species	811 records

The report is compiled using data held by Sussex Biodiversity Record Centre (SxBRC) at the time of the request. SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there – the area may simply not have been surveyed.

**This summary page may be published.
The full report and maps may not be published or otherwise shared.**

The data search report is valid until 13/11/2021 for the site named above.

From: Amanda Scholes
Sent: 21 January 2021 08:13
To: Planning Scanning
Subject: FW: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW
Attachments: AB 109 20 HH - draft letter 11 Jan 2021 LH - as sent.pdf; AB 109 20 HH - objection letter case Officer Z Denton.pdf; SxBRCSummaryReport_KingStreetArundel.pdf; Arundel King Stree data.pdf; eMail - Fw_ King Street, Arundel SX Wild Trust (2).pdf

Amanda Scholes | Receptionist, Department, Arun District Council | Location: Ground Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37736 | External: +44 (0) 1903 737500 ext 37736 | E-mail: amanda.scholes@arun.gov.uk



Visit Arun's web site at [Error! Hyperlink reference not valid.](#)



Save the environment - think before you print.

From: Daun Johnson <Daun.Johnson@arun.gov.uk>
Sent: 15 January 2021 10:19
To: Amanda Scholes <Amanda.Scholes@arun.gov.uk>; Zac Denton <Zac.Denton@arun.gov.uk>
Subject: FW: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

Daun Johnson
Technical Support Unit Assistant, Planning

T: 01903 737762
E: daun.johnson@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk



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From: [REDACTED]
Sent: 15 January 2021 10:13
To: Neil Crowther <Neil.Crowther@arun.gov.uk>; Planning <Planning@arun.gov.uk>
Subject: Fw: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

Dear Mr Crowther,

Further to the below supplied letter I realised that the original letter with supporting docs for reference was not included. I am therefore re-sending with this omission corrected.

Apologises.

Kind regards,

Jane Goble

JG Admin Services



Administrative Support with Organisational Excellence

Data Protection / GDPR - All data and information provided is treated as confidential and only utilised in line with instructions received from the client and pertaining to their business goals. All personal data provided is retained securely and held for the period required to manage the instruction and then stored for a period of 5 years to comply with AML regulations. No personal data held is shared, sold or utilised for marketing purposes unless by written agreement. Please see terms and conditions on website for JG Admin Services' full DPA/GDPR privacy policy. We/I reserve the right to contact our clients to keep them informed about possible information that may impact on them and for the purposes of fulfilling the client's instruction. Should a client wish to opt out of the occasional newsworthy communication, please advise in writing.

Your obligation under GDPR - sharing data with JG Admin Services

If you send us/me personal data about anyone other than yourself you will ensure you have any appropriate consents and notices in place to enable you to transfer that personal data to us/me, and so that we/I may use it for the purposes for which you provide it to us/me.

----- Forwarded message -----

From: 
To: Neil Crowther <neil.crowther@arun.gov.uk>
Cc:  Planning <planning@arun.gov.uk>
Sent: Wednesday, 13 January 2021, 15:49:53 GMT
Subject: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

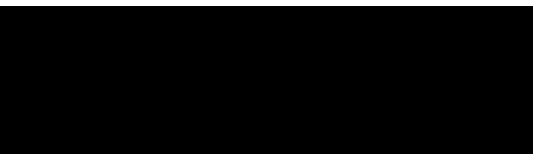
Dear Mr Crowther,

Please see attached letter. Please respond direct to the Professor, cc.d here.

Kind regards,

Jane Goble

JG Admin Services



Administrative Support with Organisational Excellence

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Your obligation under GDPR - sharing data with JG Admin Services

If you send us/me personal data about anyone other than yourself you will ensure you have any appropriate consents and notices in place to enable you to transfer that personal data to us/me, and so that we/I may use it for the purposes for which you provide it to us/me.