

AHA! Affordable Housing In Arundel
"Seeking to Preserve Arundel"

Riverside House, 2 Fitzalan Road, Arundel, BN18 9JS



Anita Gardener
Arun District Council
Planning Department
(By email)

31 July 2018.

Dear Anita,

Objection to redevelopment at Blastreat 14 Fitzalan Road Arundel BN18 9JS :
application reference: AB/36/18/PL

Further to previous correspondence regarding the above, we now write to submit our formal objection.

Background:

The AHA! Campaign group was set up in 2017 specifically to prevent inappropriate development of 14 Fitzalan RD and it now has well over 1500 supporters. This list of members stating their name, address and in many cases an email address has been sent to Arun . This letter of objection seeks to represent the views of the AHA! members. Arundel Town Council have also submitted a substantive objection on behalf of the people of Arundel. Additionally, around 80 other objections have been submitted directly to Arun (at the time of writing) and further objections are being lodged every day.

There are two key principles for AHA!'s objection:

1. AHA! entirely concurs with the objections submitted by the Arundel Town Council dated 12th July 2018. They are well documented by AHA!, the Arundel Town Council and many other objectors so we do not need to repeat them in full but in summary they are as follows:

- a) Breach of Arundel Neighbourhood Plan (which requires 24 units on the site with 30% affordable housing);
- b) Detrimental impact on neighbours who will be overshadowed by a 40 foot ridge height;

Consultants: Victoria Holland RIBA ;
Stephen Birrell Bsc (hons) PG DIP UP&D MRTPI ; Peter Dean Pr. Eng. BSc (civil) ;
Dr Cara Courage PhD MSc BA FRSA AoU FRGS AAG PLC;

- c) Destruction of protected views into and out of the conservation area and from listed buildings in the old town and damage to the setting of Heritage Assets protected by NPPF;
- d) Light and noise pollution from dozens of windows, doors and balconies overlooking neighbours, noisy traffic manoeuvring and noisy bin collections in breach of NPPF (July 2018);
- e) Lack of parking, with only 32 car parking spaces proposed for some 46 units that could house circa 100 people; the elderly residents will require carers/staff and deliveries. Around 6 existing on street spaces will also be lost and this loss of existing spaces have not been included in the developers calculations;
- f) Southern Water have warned of serious flood risk in their statutory response to the application which is published on the Arun web site. Areas of Fitzalan Rd already suffer from foul sewerage inundation . NPPF seeks to prevent such development;
- g) Demolition of the Old Swallow Brewery, which is an acknowledged Heritage Asset worthy of Local Listing (at least). NPPF seeks to prevent such tragic loss; and,
- h) There is a demonstrable over supply of retirement housing within Arundel and a demonstrable shortage of affordable family housing. Simultaneously there is no longer an overall housing shortage at district level because It appears that the housing demand at district level has been met by the new Local Plan. Likewise, the emerging Neighbourhood Plan is likely to meet any need for housing within Arundel and show a considerable surplus;
- i) The application fails to demonstrate a high quality of design and use of materials as demanded by the new NPPF (published July 2018). The lack of design quality must be looked at in the context of the “setting” of Arundel castle, cathedral, town scape and conservation area. Case law shows that the setting of internationally important heritage assets can be a distant area, namely, if the application site can be seen from the heritage asset , it can affect its setting.

Any application that is approved, which is in breach of the Neighbourhood Plan, Local Plan or National Planning Policy Framework (NPPF), will be Called-In by the AHA! Campaign Group.

2. The application fails to include all of the requisite documentation and is therefore in breach of the Local and National Validation Requirements. The consequence of this breach is that members of the public, Statutory Consultees, planning officers and the planning committee are wholly and expressly unable to fully assess the merits of the application. According to the Statutory Consultees responses listed on the Arun web site, the documents required can be listed under the following 8 headings:

- a) The Affordable Housing Officer for Arun states:

“the applicant failed to submit an affordable housing statement Nor have they made any mention of affordable housing in their design and access statement”.

An affordable housing statement is required.

- b) The Surface water drainage officer for Arun states:

*"Ground water levels within the site are high"; and,
"The flood risk assessment has not been provided".*

A Flood Risk Assessment is required.

- c) Environmental Consultee for Chichester District Council states:

"lighting schemes for the site will need to take into consideration the presence of bats in the local area"; and

"any trees removed should be replaced with a 2:1 ratio".

A detailed lighting and tree replacement plan is required.

- d) West Sussex County Highways states:

"the applicant should provide a drawing of the highway boundary on an overlay of the site proposal drawing"

"Further plans are required"

"a stage one road safety audit should be provided";

"a designers response should also accompany it" .

"it [the parking layout and turning plan] does look somewhat small and might not accommodate a larger vehicle";

"it is not clear how many spaces are to be provided for each mode of transport";

"a clear amended drawing should be provided; and,

"there appears to be a lack of turning space"

A list of 9 further plans and documents are required for WSCC Highways.

- e) The Environmental Health officer requires evidence that the bins and the plant rooms will not cause noise disturbance to the adjacent occupiers.

A Desktop acoustic test and report is required.

- f) Environment Agency require finished floor level to be 3.9m Above Ordnance Datum. The topographical survey stating the AOD is 3.9m show ground level slopes that are non-existent and misses other permanent features so cannot be relied on. These defective plans have also been identified by the Highways Engineers (as above) who appears to be unable to tally up the topographical survey and the highway plan with the access.

Further clarification and an accurate topographical survey and architectural plans are required showing the site and important adjoining permanent features so that the 3.9m AOD can be relied on.

Nb. The height of the AOD has a material effect on the ridge height and therefore a knock-on effect on light to adjoining buildings and views into and out of the conservation area.

- g) West Sussex County Council flood risk officer states:

“NPPF [national planning policy framework] states- when determining planning application, local planning authorities should ensure that flood risk is not increased elsewhere”; and,

“where there is a surface water flow path across the site it should be maintained”

Again, A Flood Risk Assessment is required.

N.b. Importantly , the ADC drainage engineer states:

“ground water levels are high” so this criteria should be very carefully monitored .

h) Southern Water states:

“an important public foul sewer crosses the site” :and;

“It might be possible to divert the sewer provided that there is no loss of hydraulic capacity”.

It is unclear how the applicant can divert the sewer and maintain the foul water connection to Westbury Lodge. To meet the statutory undertaker’s stringent regulations the main sewer must be at least 3m from : the proposed block; the flood wall surrounding the block; any proposed landscaping; and, other proposed structures .

Accurate sewerage plans are required to show how this main sewer can be diverted without affecting the building design, the soft and hard landscaping plans nor causing a loss of hydraulic capacity.

Until all the correct documents and plans are published by the developers, in accordance with the National Validation Requirements and as required by the Statutory Consultees, the application cannot be determined and must be refused. If it is prematurely determined, it will be exposed to being Called-In by the AHA! Campaign Group.

Conclusions:

1. The significant flood risk identified by Southern Water is in direct contravention of the Arundel Neighbourhood Plan, the Arun Local Plan (newly adopted) and National Planning Policy Guidance and is therefore sufficient to warrant the immediate refusal of this application, or it will be exposed to being Called-In.

2. the substantial list of other breaches of Local and National planning policy are also sufficient for the application to be refused and/ or called in.

3. without the additional information required under both LVRs & NVRs, the Planning Authority and Statutory Consultees are unable to make a fully informed decision and leaves the application exposed to being called in.

We respectfully submit that this leaves the Local Authority with only two viable options:

a. **The applicant should be asked to provide each and every document requested by the statutory consultees and in accordance with the NVR and a new**

consultation period should begin for both the statutory consultees and the public; or

- b. The application should be refused on the basis of a complete failure to submit or even attempt to submit a valid planning application to a degree that is material and proportional to a major application involving the demolition of a heritage asset and adjoining a conservation area of national importance.**

AHA! reserves its right to object more substantively to this application once a decision is made as to whether the requisite documents are required to be produced by the developers .

In closing AHA! wishes to respectfully remind the LA that AHA! has been making all or most of the above points repeatedly both in respect of the current application and the previous (very similar) application. The fact that the developers have proven either unwilling or unable to submit accurate plans, reports nor comply with validation requirements ,even at this very late stage, indicates that they are afraid that by disclosing such reports , it will be demonstrated that the application cannot comply and is therefore not deliverable. To this end, we are advised that the same applicants recently withdrew and abandoned two similar schemes , one in Milford and one on Lemington High Street after many years and about 5 misconceived applications .Consequently the whole application must be viewed with considerable scepticism and is nothing more than a speculative gamble which is most likely never to come to fruition. When considering this application, new NPPF guidance published in July 2018 requires that any sites must be demonstrably deliverable – this site is certainly not.

Yours sincerely,

Adrian Burrows

On behalf of the AHA! Campaign Group- “seeking to preserve Arundel”.

Ps. At the time of writing a survey is still planned to assess the likely breach of rights of daylight and sunlight caused by the application (which will of course make the site undeliverable) but this survey cannot be commissioned until the developers correct their existing plans as requested above.