

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

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

Anita Gardener
Case Officer
Arun District Council

By email (only)
9th Sept 2018

Dear Anita,

Re: 46 retirement Flats at Blastreat and Greenhurst , 14 Fitzalan Rd Arundel.

As you are aware , the aha! Campaign Group seeks to preserve Arundel from inappropriate development and was set up in 2017 by residents of Arundel following an application for 45 flats on the above site.

AHA! now has over 2000 members (two thousand) , agrees entirely with the objections raised by the Arundel Town Council and seeks to uphold the views of the Neighbourhood Plan. In essence we wish to uphold planning democracy.

To achieve our aims, the AHA campaign group has taken advice from a specialist planning barrister, Martin Edwards of Cornerstone Chambers as well as numbers architects, town planners and consultants some of whom are listed on our note paper.

Further to our on going correspondence and objections to this application, we have been asking the applicants in writing to check and amend their planning drawings since April 2018 to ensure they are accurate. They have consistently failed to do so indicating that they are potentially willing to mislead the planning authority, the public and the statutory consultees. This is a serious matter and will be reported to the RIBA and the relevant industry bodies in due course. In the meantime, the planning application in its current form is therefore invalid due to material inaccuracies and we require it to be withdrawn or correctly re- submitted in full with a whole new consultation period. For ease of reference, when one of the drafting errors is so "material" that it would lead to a legal challenge of the application, we have highlighted **and underlined the material errors in bold.**

If this is not done, the planning authority will incorrectly make a decision on inaccurate plans, leaving the application open to judicial review. The

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inaccuracies are so numerous and severe that the combined effect is that we simply cannot list every last detail so we note them below in draft form. Only once a whole new set of planning drawings has been submitted can we realistically correctly scrutinize the application. Further, only once the plans are accurate can the accompanying reports be re-written and re-scrutinized. The LPA must therefore assume that all the existing reports are misleadingly based on incorrect plans and are all incorrect.

The local planning authority will be aware that AHA! has also been asking the planning authority to check the applicant's plans since April 2018 and we remain disappointed and somewhat astonished that this has not been undertaken. For avoidance of doubt we refer to our objection addressed to the case officer dated 31st July 2018 and encourage you to re read our previous emails and letters.

The alleged breaches of National and Local Validation Requirements and good architectural drafting practice include but are not limited to the following:

Rear elevation (south):

1. The fence drawn to the west side of the proposed block does not exist.
2. It is unclear why there are changes to ground level in front of the set of steps to the left of the building.
3. The driveway is not shown and needs to be.
4. Martlets Court is shown in the background but not Riverside House or Otmers Quay. It is selective and misleading to only show the largest adjoining buildings. Further, Martlets Court is not in the same perspective plane, it is set some 20m behind the proposed building so it is incorrect to show it as higher than the proposed building. It should either be shown in perspective or not at all. Please note that the gutter level of Riverside House is circa 6.3m above ground level which correlates to just above the first floor balconies of the proposed buildings or approximately half the height of the proposed building and shows the vast height of the new structures. This might explain why Riverside House has been incorrectly omitted.
5. It is appropriate to “dot in” the building envelope of Westbury Lodge, which sits in front of the block, because it is necessary to see the height of the proposed building in context with Westbury Lodge.

North elevation:

6. It is appropriate to show the balcony with residents standing on it to indicate the horrendous overlooking and loss of privacy derived from

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possibly 90 residents and their guests standing almost directly opposite and about 10m from the bedroom windows at Riverside House. They would also be circa 16m from the ground floor family room and dining room windows and would look downwards directly into them.

7. It is appropriate to show the driveway and boundary to the west (or right hand side) of the plan. **The failure to show the driveway position is a material error.**
8. It is appropriate to show the flats above the garage at Martlets Court which would appear in the same plane and just to the left of the elevation around 6m off the side of the building where there is currently a man walking. This would put the proximity and scale of this flat in context with the proposed building. Indeed, it is misleading to show a vast 13.2m of open space to the side of the building which simply does not exist.
9. The same issues arises to the west (or right hand side) of the north elevation. The elevation shows a clear gap of 15m from the edge of the proposed building. In reality the back gardens to the adjoining 2 storey cottages should be shown only 10m from the edge of the building. The cottages themselves should also be shown as they are just 21m from the proposed structure which contains three floors of windows looming over the rear gardens at 1-3 Fitzalan Mews.

North East Elevation:

10. The applicants should explain how the 1.5m hedge and circa 20 trees around 2m in height will survive in a verge measuring less than 1.8m in depth from brickwork to brickwork. Either they must be removed from the plans or be kept but , if kept , it means that the majority of the ground floor windows and doors will not be able to open. Clearly these trees should all be removed as they are misleading. This affects the landscaping consultee and the visual appearance of the whole block in the street scene.
11. The grey block indicating Westbury Lodge is misleading. It shows the proposed block to be almost the same height at Westbury Lodge. At the closest point to the proposed structure, the gutter level of Westbury Lodge is circa 5m from ground level. The architect's plans show it as circa 6m. Further, and most alarmingly, the roof structure of Westbury Lodge from gutter to ridge is shown as a vast bulk grey mass over 6m in height from gutter to top of ridge. Our estimations are that the ridge is circa 3m from gutter height or a total of about 8-9 from ground level. By contrast the proposed building has a ridge of 12m. Perhaps most

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importantly the roof to Westbury Lodge slopes away from the gutter and away from the highway. This is misleadingly not shown by the elevation. By contrast the proposed development has 3 full storeys on top of the 1.2m flood wall and then a gable above. The architectural plans completely fail to show the true visual relationship between the buildings.

West elevation:

11. The circular part of communal area is not shown and should be. **This is a material error.**

12. The fence and garaging at Otters Quay to the north (or left of the elevation) are not shown and should be. This gives a false impression of space around the development. Indeed, the architects have misleadingly illustrated a person walking in a “left” direction exacerbating this false representation. In reality, that person should be walking into the side of a garage block situated circa 9m from the face of the proposed building. It is important to show these garages because it shows how cramped and narrow the proposed building is within the street scene.

13. The most southerly projecting atriums/staircase to right next to the sub-station is not shown. Again this is important because it's the closest part of the building to Westbury Lodge. **This is a material error.**

14. Trees are shown at circa 6m in height with a 3m equally balanced crown (visible from each elevation). These trees can't fit in a 2m verge and should be removed from the plans which in turn will demonstrate that there is not in fact enough space for the proposed landscaping and the detrimental impact on the conservation area will be increased.

15. The second floor balconies are 25m from the rear gardens of the houses in Queens Lane and a person on the balcony would stand some 9m above the height of a person standing in those gardens. The complete loss of privacy from 12 sets of doors, 12 windows and 6 balconies and a substantive communal balcony would be shockingly severe and should be clearly shown. It is not.

16. The car port is shown as being situated around 1.8m south of the part of the proposed building nearest Westbury Lodge described as the “reveal” in the architect's drawings. This is completely wrong. The car ports are set much farther north, closer to the main part of the proposed building. If the plan were shown correctly, which they are not, it would demonstrate the cramped nature of the car park,

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the mass of buildings and the sense of the vast car port structure blocking windows from the reveal and block light to the end of the gardens in Queens Lane. **This is a material error** and somewhat explains why the County Highways Engineers is still struggling to comprehend the incorrect plans.

17. Whilst dealing with the car ports, it should be noted that the noise and loss of privacy from 32 car parking spaces will severely impact the gardens at Queens Lane and the proposed amenity spaces for the proposed flats (especially when occupied by a less mobile residents) so acoustic reports should be undertaken- there are none available.

The “reveal” elevation:

18. It is important to note that none of the plans clearly show the relationship between the balconies and windows of the most southerly part of the proposed block adjoining Westbury Lodge and the rear gardens of Queens Lane. This section of the building is described as the “Reveal Elevation” on the applicant’s drawings. It shows 3 balconies and 7 windows facing at 45 degrees towards the rear gardens of Queens Lane. This means a person standing on the proposed first floor balconies could see into the rear gardens only around 6m away. This is impossible to determine on any of the plans and is such a gross breach of overlooking and privacy that a clear plan showing the overlooking must be provided.
19. Please can the applicant provide a proposed site layout plan to the same scale as the topographical survey, ie 1:500, and to the same scale as the other plans and elevations, ie 1:200. Without these, it is almost impossible for the LPA to undertake a full scrutiny especially in circumstances when the LPA must cross reference different plans to understand the relationship between the buildings owing to the aforementioned drafting errors.
20. The reveal elevation also misleadingly shows the electricity sub-station as a detached single story building with greenery all around it. By contrast, it is attached to a garage belonging to Westbury Lodge. **This is material**. This building incorrectly gives the impression of being the side elevation of one of the car ports. It is not and this should be annotated and clarified.

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Ground floor layout plan:

21. The ground floor layout is incorrect. It shows a ground floor floating in mid air with no outside space and no staircases leading into it. As the plans are currently drawn we assume that the balconies and doors lead onto the patios illustrated on the site layout plans do not exist. It is important to have accurate plans when assessing the amount of landscaping around the building, the distances from the building to the highway, whether indeed each flat has enough amenity space and whether access and egress points are safe. **This is a material omission.**
22. We have not undertaken a full assessment of the internal layout but they need to be checked once an accurate set of drawings is forthcoming. For example, the patio door to flat 14 appears as having a patio with balcony railing around it on the elevation plans but the layout plan shows no patio nor railing. **These inaccuracies are material.**

Block Plan:

23. Please can the applicant confirm precise width of staircase, driveway and verge adjoining the elevation nearest the access. It is currently unclear how each can fit in a width of about 5.8m. **This is potentially very material as it appears that the block cannot fit on the available land or the access road is below standard.**
24. Please can the applicant provide a visibility splay to left / West. **This is potentially very material as they appear below the standard.**
25. The main staircases around the buildings are not shown on the block plan, nor are the raised terraces. Both are structures that form part of the footprint of the building so should be shown in grey. **This is a material drafting error.**
26. We cannot see a turning head suitable for emergency service vehicles. **This is potentially very material.**
27. Please can the applicant label the grey structures next to Westbury Lodge.
28. Please can the applicant show the car ports on the block plan as distinct from open car parking spaces. Both are coloured the same, giving the incorrect impression of a large open car park when in fact a large percentage of it is covered in a vast car port.

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Site Plan (dated 6/4/18) ref 1650 51A:

29. This plan does not appear to fit when overlaid onto the topographical survey plan. **This is potentially very material.**
30. The plan shows two projecting balconies off the section of the building known as the "reveal" but otherwise that section of the building has a flat footprint. By contrast, the "reveal" elevation plans show that this section of the building has one projecting gable. One of the plans is incorrect. We presume it is the site plan because the internal layout plans conform with the elevation plans. **This is a material error.**
31. The plan does not show pedestrian nor vehicular visibility splays. We believe neither can be complied with. In particular wheelchair users do not have a north eastward visibility splay when egressing onto Fitzalan Road from the main front door owing to the flood wall completely obscuring the view. Additionally, the vehicular users have either limited or no splay to the south west when egressing the site onto Fitzalan Road. **This is potentially very material.**
32. The plan should also show a turning head. Presently cars and delivery lorries cannot turn on the site meaning cars would have to reverse onto Fitzalan Road. **This is potentially very material.**
33. The site plan makes provision for 32 spaces. However, it does not show the 6/7 spaces that are currently outside the Old Swallow Brewery building and what is proposed for those spaces. Presumably they will be kept. In which case they should be shown as being retained. At present the plans indicate they will be removed and this will have a negative impact on the net number of spaces for the development and means the number of spaces is below standard. **This is material.**
34. The dropped curb outside Riverside House close to Otmers Quay is not shown. **This is a material omission from the topographical survey and affects the highway safety.** To safely access and egress Riverside House at this point it will be important for no vehicles to obstruct Fitzalan Road in front of the dropped curb. It is equally important that no vehicles are prevented from accessing or egressing Otmers Quay. When the combined effect of the two access points are taken into account we cannot see how a refuse vehicle can collect bins from the proposed bin store without blocking either driveways and/or the road. Parking a refuse vehicle in the Fitzalan Road also blocks and affects the visibility splays for both vehicles and pedestrians into and out of the proposed parking areas exacerbating the highway danger at this

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busy and narrow point. The dangerous and obstructive affect of the refuse vehicles blocking the road and access points should be clearly shown on the plans and is not.

Site section:

35. The Plans show that the proposed building impinges on the 25 degree line from Riverside House from the ground family room to the proposed structure. **This is a material breach of the Rights of Light but is bizarrely ignored and or denied in the report.**
36. The applicants must please confirm the heights are accurate in the sectional plans because the elevation plans indicate 7-8 steps up to the front door from ground level indicating the front door would be about 1.4-1.6m up, but the section appears only about 1.2m from ground level. **This is potential very material.**
37. The applicants must please provide a section showing all windows from Riverside House including dining room and bedroom 4. Why are these not shown particularly when the applicant's R O L report admits that the dining room is perhaps the most affected window (albeit the whole building is incorrectly situated). **This is a material omission. It is astonishing this has been omitted.**
38. Please provide a new set of plans showing the bay windows in the south elevation of Riverside House (nearest the site). **The bay window is circa 700mm deep so this of course has a material impact on the day light and sunlight calculations. It is astonishing this has been omitted and serious questions of professional integrity will be asked.**
39. The cross section dimensions are incorrect. They are annotated on the plan as being 18.1 from Riverside House to the edge of the proposed building opposite the ground floor bay windows at Riverside House. In reality, from the bay to the fence is 7.6m; from the fence to the opposite side of the highway is 7m; and, from the edge of the highway to the proposed building is annotated on the applicants block plan as 2.002m. The total distance from the bay window at Riverside to the proposed building is therefore 16.6m NOT 18.1m. **There appears to be a missing 1.5m or circa 10% drafting error which of course is very material.**
Evidently the applicants need to commission a topographical survey to cover all adjoining property and draw a completely new set of site plans, block plans and light surveys based on the correct survey

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information. The access road and the distance between the proposed building and Westbury Lodge is already on the limit of permitted standards and so are the parking and turning areas. Making a 1.6m alteration/reduction or a 10% drafting error to the plans means the proposed building is not buildable on the available site area.

40. The applicant's light surveyors must explain why the mid-point of windows is used rather than the bottom of the sill as per the recognized practice. **This would have a material impact on all the sunlight and daylight calculations.**
41. Please can the applicants confirm why they have failed to include the window to bedroom 4 at Riverside House in their report. This is by far the closest window to the development site and is situated in the gable. It is only 1.8m from the southern highway boundary and the highway is under 7m wide. The proposed building is shown as 2.151m from the edge of the highway meaning the window at Riverside House will face the proposed windows approximately 10.5m away across the highway. By contrast the cross section provided by the applicant indicates the proposed building to be around 12.2m from the gable window at Riverside House. Again, the developer's plans appear to be about 1.6/1.7m adrift. **The consequence of this error is that the Rights of Light to Riverside House will be materially infringed and the applicants plans are about 10% inaccurate.**
42. We have not measured all the distances to all adjoining property, but clearly the applicants plans are grossly inaccurate so we advise that the LPA insists that all dimensions to all adjoining properties are double checked, annotated on the plans and a new rights of light survey carried out based on correct topographical survey info.
43. The applicant must please confirm on the plans that the proposed building also intersects 25 degree line taken from Otters Quay.
44. We also question why no cross section has been undertaken showing the affect on window to other closely adjoining buildings including but not limited to the flat over the garage at Martlet Court- possibly the closest window to the proposed development? This is obviously required.
45. The cross section of the site shows a drop in ground level from the highway to the lowest point in the proposed driveway of circa 300mm. Water from the proposed road and parking lot will collate in the driveway just outside the south/west exit steps. How will surface run off be dealt with? And what will stop a 300mm puddle forming in this dangerously narrow and busy access point used by vehicles

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and elderly pedestrians? An accurate site level and drainage report is required to show Highway Design guides and building regs can be complied with.

46. The site section shows a change in levels between the site and the gardens at Queens Lane. What will prevent water from pouring into the gardens at Queens Lane. A plan showing relative land heights and a drainage survey is required to address this major issue. At the very least it is practice to show arrows indicating a ‘fall’.

Topographical Survey:

47. If the ground floor plan at 1:200 is over laid on top of the topographical survey at 1:200, it does not fit on the site once the distances to boundaries are taken into consideration. **This is very alarming and a material consideration.** The applicant must be asked to overlay the ground floor plans, including access road and stair cases on top of the topographical survey with distances annotated to demonstrate the building fits on the site.
48. The topographical survey indicates the south/west boundary is not straight (nearest the BT driveway). The site location plan at 1:1250 shows a straight southern boundary. One is incorrect. **In circumstances where the visibility splays and access road widths already look sub-standard it is materially important to have an accurate site plan.**
49. The topographical survey is incorrect. It does not show the dropped curb outside Riverside House and the pavements and access point to Otmers Quay is poorly drawn and possibly about 1m inaccurate. A new TOPO is required and all plans must be re drawn to conform.

Indicative Street Scene:

50. The indicative street scene must be viewed with great scepticism. The cross sectional survey (which we have seen from the notes above is inaccurate in the developer’s favour) at 1:500 shows the ridge height of the highest part of the proposed roof 12m from ground level. The illustrative street scene shows it at less than 11.5m . **This is a material error.**
51. Perhaps more importantly, the north (river) elevation buildings are significantly misleading. For example, the ridges of 1-6 Otmers Quay are shown as being flat across the top. They are not flat across the top in an east to west plane, they have gables with the

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perpendicular (east to west) ridge set about 1.5m below the gables.

This is a material error and grossly misleading.

52. The right hand side of Riverside House shows a significant roof with a ridge around 2m higher than it actually is. **This is a material error.** If the proposed structure is about 0.5m too low and the adjoining properties are up to 2m too high, the combined affect is circa 2.5m inaccuracy or the equivalent of more than a storey of a standard building. **This is obviously a very material error.**
53. With regards to the ground level, there is a further significant anomaly. The north elevation River Scene indicates a significant fall in the ground level between Riverside House and Martlets Court of circa 1m. No such change of level exists. The garden from the building at Riverside House and the party fence with Martlets Court is circa 5m in width and is completely flat. Again, does this indicate that Riverside House and all the houses at Otters Quay have been sighted about 1m too high in relation to the proposed development? In which case the proposed block will be about 3.5m higher than it is currently shown in comparison to Riverside House. **This is a material error because the affect the development has on listed buildings** on the other side of the river and the conservation area is much greater than the applicants are disclosing.

Whilst it is acknowledged that the applicants will seek to argue that the street scenes are for “illustrative purposes only” , in the absence of any other plans showing the proposed structure in context with surrounding buildings (as should be provided), it is likely the decision makers will rely on the indicative street scenes. **The street scenes are so woefully and materially inaccurate and misleading that it is not viable to go into further detail on each elevation but clearly a full survey of adjoining property is required and an accurate street scene elevation based on AOB data needs to be done.**

Tree protection areas/zones:

54. There are 2 trees under TPO which are affected by the development. First, the sycamore outside Riverside House which has a diameter measurement of 650mm, 1.5m above ground level. The Root Protection Area is therefore 8.125m. The proposed flood wall proposed hard up against the highway is 7m from the tree. Why is this not mentioned on any plans nor on the arboricultural reports?

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This is a material omission and the arboricultural survey must therefore be void and serious questions of professional integrity must be asked.

55. There is also a very substantial conifer and a very large ash in the grounds of Martlets Court both under a TPO's. These are major trees in the townscape of Arundel. The Root Protection Area for these trees needs to be shown because the diversion of the sewer proposed by the developers infringes on their RPA. **Again, it is a material error that these RPA's are not shown on the plans and the arboricultural survey fails to mention this.**

Landscaping:

56. The landscaping is misleading. In some cases there are trees around 6-7m in height planted in verges 1m wide. These trees cannot be planted, if they are planted they can't comply with building regulations nor survive; the public will be left with either dead trees or modest substitutes.
A new and correct consultation should take place with the landscaping architect.

Artists Impression:

57. The artist's impression accompanying the application has numerous errors and consequently it must be viewed with scepticism. Normally it is accepted that an artist's impression contains some vagaries as it is an "impression". However, in this case, the applicants have incorrectly sought to infer the impressions are accurate by stating they are "verified Views" based on "geometrically accurate photography".
58. The view from the north incorrectly shows a large green area to both sides of the block giving an impression of space. This is completely misleading and incorrect and should be amended to show that in fact, buildings surround the block.
59. The "north view" also shows trees in the distance between the two proposed blocks effectively above the proposed "residents balcony". We believe that the impression should be amended to show that in fact Westbury Lodge would be visible through this gap creating a sense of one complete uninterrupted wall of brickwork around 100ft long and 40ft in height.

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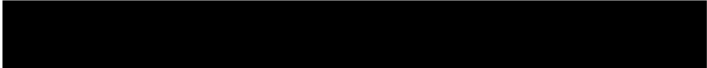


- 60 Fitzalan Road is only 5m wide so the “north view” point , showing a wide a spacious road in front of the proposed block does not and cannot exist.
- 61 The same view shows a pedestrian walking along the left side of the picture. This pedestrian is walking in the highway a few metres from a blind bend. This is precisely the highway danger that will of course occur if the development is built with no pavements at this point. Again, this gives a false impression that there is a pavement and should be corrected.
- 62 The view form the other side of the river is also very selective. It is taken from ground level whereas most of Arundel is actually on a hill Crucially the Local Plan policies protecting views into and out of Arundel states that the protected views are views from the top of the hill rather than the bottom. The developers should be asked to demonstrate the effect the development has on the listed houses and protected views from the Arundel Conservation Area not only from one car park.
- 63 This is a very selective and favourable view point taken from one of the few positions in Arundel where the majority of the block will in fact be obscured. The planning officer will of course appreciate that a view point from 5m to the east (left) of this view point will reveal the dominance of the block. AHA! demonstrated the dominance of the block during the course of the similar planning application on this site dated 2017 and the reader is invited again to review those geometrically accurate CGIs which were formed using OS positioning. Such a sceptical and selective view point shows the contempt at which the applicant and their advisers view the planning process.
- 64 The same view shows that the right side of the proposed block has 4 gables whereas it should in fact have 5 so this needs clarity.
- 65 The same view seeks to indicate that the proposed building is about the same height as Riverside House whereas we have seen from the statement above that it is in fact nearly double the height. Serious questions must be asked.
- 66 The same view also serves to confirm that the houses at Otters Quay have variable ridge lines set between the ridges on the gables and therefore this impression produced by the applicant serves to contradict the architect’s street scene from the river side (mentioned above).
- 67 The impression from the east looking down Fitzalan Road shows what an architectural eyesore the development will be but also incorrectly shows a car emerging from beyond the block and green

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vegetation beyond the car. We cannot understand what this represents. There is no space for vegetation beyond the proposed access road; there is only another access road serving a BT site and then the side elevation of 1 Fitzalan Mews.

68 The artists impressions are all so materially inaccurate they need to be completely redrawn or withdrawn from the application owing to their false and misleading misrepresentation.

In summary:

At this early stage we have easily identified at least 67 drafting errors in respect of the application drawings. We believe around 30 of them are so material that if the application progresses it will be liable to be legally challenged. The plans almost all need to be re drawn based on a full topographical survey including but not limited to all the adjoining properties and datum heights. All the reports referring to the plans need to be re-written to reflect the new plans. A new consultation period must start and AHA! will at that time scrutinize the application again.

We look forward to seeing the correspondence from the LPA to the applicant listing down the defects in the plans and requesting appropriately amended plans, a new consultation period and an extended determination deadline commencing once the applications has been correctly validated.

Yours sincerely,

Adrian Burrows
On behalf of the AHA! Campaign Group

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