

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

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



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8<sup>th</sup> Oct 2018.  
By email only.

Dear Anita,

**Re 14 Fitzalan Road, Arundel**  
**14 incorrect and/or misleading statements in the Application Form.**

We write further to our email to you dated 9<sup>th</sup> Sept 2018 wherein we listed some 67 errors or omissions on the planning application drawings, of which, around 30 are material.

Since then the applicants have attempted to respond to the omissions but they incorrectly contend that their application drawings at all correct, which is of course completely untenable and demonstrably incorrect and misleading. They claim their rights of light surveyor is correct yet it misses out the closest window to the development site. They claim their topographical survey is correct but it misses out the closest dropped curb to the development site. They claim their cross sectional plan, site plan, etc are accurate but they have now admitted only the site has been surveyed and the adjoining properties have not been surveyed. The consequence is that Riverside House (for example) is situated around 1.5m farther away from the proposed site. It is quite extraordinary that the applicants and their architects continue to claim that their submitted drawings are accurate.

Separately we have emailed you dated 4<sup>th</sup> October 2018 with a list of 8 breaches of the National and Local Validation Requirements that have been committed by the applicants. These Requirements are enshrined in law.

It had been our hope and expectation that we would not have to waste the Local Authorities time and the applicants would understand their errors and withdraw their application or provide accurate plans and reports but this appears unlikely.

In the absence of a sensible stance from the applicants we now must start to draw you attention to the myriad of errors within the application reports and forms. They may take some weeks to submit because almost every report is riddled with fundamentally incorrect statements and information.

Until these errors and omission are corrected our case remains that the application cannot be properly scrutinized and any decision will be premature and liable to be legally challenged.

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The purpose of this letter is to now draw your attention to the errors in the application forms and reports. We start with the application form itself which appears incorrect for the following 11 reasons:

1. In box 1, the applicant is stated incorrectly as Renaissance Retirement. We have searched Companies House and no such company exists. The tree consultants describe their client on page 4 of 14 as “Renaissance Group of Companies Limited” and the Unilateral Notice registered at HM Land Registry is in favour of “Renaissance Retirement Limited”. It is of fundamental importance to know the applicant and their ability to “deliver” and maintain the site in light of the latest NPPF of July 2018;
2. In box 3, the description of the planning application is incorrectly stated and does not conform with the description on the planning application notice, the published description nor anywhere else. It missed the crucial information that the application “affects the character and appearance of the Arundel Conservation Area”.
3. In box 4, the site address is incorrectly stated as “Blastreat Limited and adjoining Greenhurst”. This is not a postal address and is confused. As far as we are aware Blastreat Limited are occupiers of 14 Fitzalan Road and there is no such property as “adjoining Greenhurst”. It is important to get the precise details because, for example, it is notable that the site area on which the tree report is based is only “Greenhurst”, not 14 Fitzalan Rd which is occupied by Blastreat. There are trees under TPO within a few meters of 14 Fitzalan Rd. We question which other reports or indeed statutory consultees have misunderstood the site area? We further note that the ecology report and the FRA in respect of the previous application incorrectly only addressed Greenhurst for similar reasons;
4. In box 6, the applicant incorrectly states there are no new pedestrian rights to be granted within the site. This appears incorrect. So far as we can understand, a new pavement is proposed between the new building and the highway known as Fitzalan Road. This incorrect statement has a material impact on the highways consultation particularly in circumstances where the vehicular visibility splays associated with the site access/egress are currently obscured by the flood walls. Consequently, the new footway breaches pedestrian safety standards. The Highways Consultee does not appear to be aware of this.
5. In box 9, none of the boxes are completed correctly in respect of the “existing” buildings. In circumstances where one of the existing building is a Heritage Asset subject to an Article 4 Direction, it is of

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material importance to know the existing construction materials and finishes.

6. In box10, the existing number of parking spaces is incorrectly stated to be 5. We would suggest, as a rough estimate, that “Blastreat” can accommodate around 5 cars and “Greenhurst” around 5 cars possibly more. Fitzalan Road suffers from well documented parking issues and it is important to understand the net increase of spaces and usage associated with the development in this vulnerable location.
7. In box 11, the applicants incorrectly state they are going to connect to an existing drainage system (the combined foul and surface water sewer). According to their plans, they are diverting an existing sewer and forming a new one which will cut through the Root Protection Area of at least 2 trees under TPOs. Southern Water have not consented to the diversion nor have the adjoining land owners who enjoy rights to drainage through the site. It is obviously important for the applicants to disclose whether they are cutting through tree root under TPO’s and also whether indeed their site is deliverable owing to unresolvable covenants, easements and rights of light enjoyed by adjoining owners.
8. Box 12 incorrectly states the site is not with 20m of any water course. We have seen old watercourse maps showing a drainage ditch to the south / south east of the site within 20m. Further, the applicants incorrectly state that the proposal will not increase flood risk elsewhere: Southern Water’s desk top study published on Aruns’s web site states that the proposal will lead to a “serious risk of flooding”. Finally, the box incorrectly states that surface water will be disposed of by soakaway. However, we have seen the applicants plans showing the rain water being discharged into the combined sewer on Fitzalan Road. The site is in a high flood risk area so it is of great importance that we have full disclosure of the facts.
9. Box 15 acknowledges that there are trees adjacent to the site that may be affected by the development. Why are there trees not mentioned in the tree report or shown on any of the plans? We submit that at least 3 possibly 4 trees under TPO will be materially affected by the development.
10. Box 18 states the existing use is B2. We submit that it is B1, ie “light industrial suitable for a residential area” pursuant to the Use Class Order. The use is B1 because it is heavily limited by working hours, noise and nuisance obligations and restrictive covenants.
11. Box 19 incorrectly states there are no existing employees working at the site: we would suggest that Blastreat appears to employ about 10 people. This has a material impact on the economic assessments.

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The careful reader will note that many of the incorrect statement or omissions serve to assist the applicant's case and on the face of it, they appear to be deliberately misleading.

May the local planning authority request that each of the above misleading statements are corrected before the application proceeds as these have a material impact on the application and in many cases the statement are contradicted by other reports or plans that have been submitted so we are unable to establish whether the application form is incorrect or the reports are incorrect. Crucially, the statutory consultees also appear to be confused and this is perverting the course of the democratic planning process in favour of the applicants.

In the meantime, we will be writing to you in due course with the catalogue of errors in respect of each of the other submissions.

Kind regards

Adrian Burrows

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