

REPORT UPDATE

Application No: AL/43/19/L

Reason for the Update / Changes

Reason for Update/Changes:

The applicant has written to respond to some of the concerns raised at the Planning Briefing Panel. The parts of the applicant's response relevant to this listed Building Consent are summarised below:

Roof material

- The use of red zinc cladding responds to the agricultural use buildings to the north of the site;
- The proposed building will be both subservient to Nyton House & the adjacent cottages but also does not compete with them;
- Clay tiles would not be appropriate as it would form too great a visual connection to the existing buildings;

Brickwork

- The proposed brick to be used in the new dementia wing will be a warm red stock brick, laid in Flemish bond pattern to the most apparent and exposed faces as a feature;
- This brick choice connects the soft red feature brick found on both the main house, the adjacent cottages and their small single storey extension;
- It is believed that a direct replication of the brick on the main house would be too direct a connection between the existing Listed asset and the new building;

Other Concerns

- Detailed and frequent discussions have been held with the planning officer and the conservation officer, and these have honed the final presented form of the proposed dementia building;
- The conservation officer is now satisfied that the impact of the development does not cause substantial harm to the setting of the Listed Nyton House, nor Knighton Grange Cottage; and
- These discussions and design reviews have covered the use of the materials proposed as well as the form of the layout.

Separately, the applicant has provided a statement by its Heritage Consultant, Dr Ian Wightman. This is summarised below:

- The building design itself, which is divided into a series of ranges, reflects more traditional agricultural typologies, but in a modern idiom;
- Within the grounds of Nyton House this distinction will be even more clear due to the modern fenestration, though much of this is concealed, especially behind the boundary wall and does not influence the setting in visual terms;
- The building form and scale is clearly subservient to the neighbouring historic buildings and does not compete with them. As can be seen in the west elevation especially, the new development is low level;
- This is not to say that there is no impact on setting, as there clearly is. The space here is a remnant of the kitchen garden which would have informed the main house;
- Unfortunately, this has been subdivided into gardens with different ownership and therefore is unlikely

to be capable of restoration. The remaining land that houses the dementia wing is now grassed;

- Mitigation for this has been provided with the enhancement of the garden to the south and by association the setting of the listed building. This removes a swimming pool which is harmful and detracts from the main house. It also opens the garden up to visitors to the care home and enables them to experience the heritage asset in improved surroundings;

- The scheme does not result in extensive loss of historic material or assets which would normally trigger a refusal;

- As mentioned in the Council's more detailed heritage response, the harm to the listed building is considered 'less than substantial', due to the impact on its setting;

- We would totally agree with this as the scheme does not result in substantial harm, i.e. actual harm to significance;

- Less than substantial harm is still harm and therefore should be balanced against any broader public benefits; and

- Given that the listed building is already a care home and therefore provides a viable use for what is otherwise a very large building, the scheme here provides a means for maintaining this function in the long term and therefore helps to make the building sustainable.

Officers Comment:

There are no changes to the recommendation.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a Listed Building

REF NO: AL/43/19/L

LOCATION: Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Notwithstanding the above description, Listed Building Consent is required for any works of alteration, extension or demolition which affects the character or appearance of a Listed Building. It is not necessary to consider works which affect the setting. In this case, this report considers demolition of walls within the site, demolition of buildings (predominantly garages) to the immediate North West of Nyton House and

conversion of the garage to the south of the Care Home. The Dementia Care Building and the new garage/laundry are not curtilage listed and so are excluded from this assessment.

The site plans shows the demolition of three sections of flint wall: (1) part adjacent to the boundary wall with Knighton Grange Cottage; (2) part to the rear of the demolished garages to the NW of Nyton House; and (3) part within the car park to the north of Nyton House. The garage to the front of the Care Home will be converted and altered to create a staff day room.

BOUNDARY TREATMENT

Boundary treatments are mixed given the size of the site, however the following were noted:

- Part 1.8m high, part 1m high timber fencing to the rear/side garden boundaries of the three terraced cottages;
- 2.5-3m high flint wall to the northern boundary of the garden where the Dementia unit will be sited;
- 2.5-3m high flint wall to the southern boundary with Nyton Road; and
- 3m high flint wall to the western boundary with Nyton Grange Cottage.

SITE CHARACTERISTICS

The site comprises a detached two and a half storey, Grade 2 Listed care home which has previously been extended at ground floor on the north west side and projecting towards the rear (west). There are large gardens to the front (east) and rear (west) and the rear gardens extend north at the rear of three terraced two and half storey cottages (Nyton Farm Cottage, Nyton Gable & Wyncote). There are other small buildings/built features within the site including a pitched roof double garage in the front parking area, an empty swimming pool in the rear gardens and a timber lodge style office building on the north side of the house.

CHARACTER OF LOCALITY

The area is rural in character as it is located outside of the edge of the nearest settlement. The site lies in a cluster of existing residential & agricultural buildings and there are further residential properties to the southeast of the site.

RELEVANT SITE HISTORY

AL/105/82/L	Demolish Ex Greenhouse And Outbuilding And Construct Extension Of Living Accommodation	ApproveConditionally 27-05-83
AL/17/82/L	New Fire Escape	ApproveConditionally 23-06-82

AL/42/19/PL	Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.	
AL/99/18/L	Listed building consent for internal alterations together with replacement of 3 No. existing PVCu windows with sliding sash windows & reinstatement of a bricked up window on first floor.	ApproveConditionally 24-01-19
AL/113/03/L	Application for Listed Building Consent to attach to wall a 3 bedroomed dwelling for Rest Home Manager.	Refused 21-01-04
AL/83/89/L	Application for Listed Building Consent to provide covered access to new laundry room	ApproveConditionally 17-04-90
AL/59/89/L	Application for Listed Building Consent for extension at rear	ApproveConditionally 30-08-89

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"Aldingbourne Parish Council wishes to note its objection regarding the above planning applications on the following basis. We recognise the need for the dementia resource applied for and are appreciative that this is in support of key policies in the Aldingbourne Neighbourhood Plan, ie. EE1 Supporting Existing Employment and Retail, LC1 Supporting Independent Living, and LC2 Provision of Healthcare facilities. Regrettably however the current plan contravenes the communities neighbourhood plan on a number of policies, namely:

- (1) H1 - although the Council recognises the quality within the design, it feels that this application fails to reflect "the local character" - it is a very modern proposal to be set next to 'character' and 'listed' buildings - this council feels the proposed red zinc material is particularly out of character;
- (2) EH2.1 and EH6.1 - the Council notes that the proposed location of this resource impacts significantly on the existing green space to the perimeters of the neighbouring properties. The size of the development also prevents the possibility of replanting on the boundaries of the proposed construction.

This will therefore impact on the current green infrastructure balance and is likely to negatively affect wildlife habitats; and

(3) EH11 - this policy seeks to protect flint walls within the Parish. This current planning proposal will however obliterate the view of the existing 3m high flint wall; and the proposed modern construction (which will be sited very close to that wall) fails to sympathetically reflect the flint character.

Finally we would highlight that, although the proposal seemingly supports policy LC1 ("Support Independent Living", as noted above), this policy does stipulate that this is only supported "provided that the design and scale of development are in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable".

COMMENTS ON REPRESENTATIONS RECEIVED:

It is only appropriate to consider policies which directly concern the affect of development on listed buildings and therefore, none of the policies mentioned are relevant to this determination. Although the determination does concern the demolition of flint walls, policy EH11 does not infer any protection to the views of existing flint walls and the policy does not provide protection to the sections of flint wall within the site only to that along the road frontage (which is not affected).

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER: No objections subject to conditions which have been included in the recommendation for the planning application. The following is stated in response to the matters the subject of this Listed Building Consent:

(1) Demolition of Existing Garages:

- The garage structure links the main listed building (via a modern extension) to the terraced cottages;
- The structure does not play a positive role in this part of the site and its removal is acceptable;
- This is on the basis that some of the wall behind the garage is maintained as is proposed; and
- Any historic walling material should be retained onsite for use elsewhere.

(2) Conversion of the Existing Garage

- The existing stand-alone structure is not aesthetically pleasing;
- A clay roof is planned, along with bricks to match the existing;
- This is supplemented by replacing the existing garage door with aluminium glazing, which if designed sensitively, will produce an attractive detail; and
- Therefore, this element of the proposal is considered to be acceptable.

(3) Demolition of Flint Walls

- Flint walling is an important feature of the area and should be maintained where possible; and
- The loss of the walling could be considered to be acceptable subject to all materials being retained on site for re-use elsewhere.

The officers full response is provided on the Council's website.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Relevant designations applicable to the site: Listed Building Grade II.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HERSP1 HER SP1 The Historic Environment
HERDM1 HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

There are no relevant Aldingbourne Neighbourhood Development Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application concerns certain parts of the overall development scheme that directly affect Listed Buildings. These include the demolition of existing flint walls within the site, the demolition of those

buildings (predominantly garages) to the immediate North West of Nyton House and the conversion of the garage to the south of Nyton House.

Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states that listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

The applicants have provided a Heritage Statement which provides information in accordance with the relevant paragraphs of the NPPF 2019 as described above. The Statement concludes that:

"The proposed development is not considered to have a negative impact on the character of the existing building or the surrounding area" and "It is considered that this development, with reference to the advice received, will have no harmful impact on the aesthetic of the asset or surrounding area and in fact perform to improve it substantially."

The Conservation Officer has assessed the proposal and his comments are set out in full on the Council's website and summarised above. The Conservation Officer considers the proposal results in harm to the designated heritage assets but that the level of harm is less than substantial. Therefore, para 196 of the NPPF is brought into play. This states: "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

According to the Planning Practice Guidance, such benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, they do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

On their own, the elements of the scheme that require Listed Building Consent are not considered to be so beneficial as to enable the harm to be outweighed. The works are required to enable the wider enhancement of the Care Home. For instance, the sections of walling to be removed will facilitate increased parking, emergency access to the Dementia Care Unit and greater accessibility of the gardens by residents. The garages to be removed facilitate emergency access to the Dementia Care Unit whilst the conversion of the existing garage will improve staff day facilities and enables the removal of an

existing timber lodge situated to the north of the Care Home which currently serves a similar purpose.

It is considered that the development as a whole will result in the following public benefits:

- The creation of a new purpose built 10 bedroom dementia care unit to help meet the growing requirement for elderly care within the Arun District;
- The enhancement of the Care Home generally with enhanced staff & servicing facilities as well as enhanced landscaping to improve quality of life for existing & future care residents; and
- Supporting the long term use and conservation of the heritage asset.

It is considered that the benefits of the proposal do outweigh any harm to the Listed Buildings.

This development has taken account of the comments made by the Council during the pre-application negotiation in 2018 as well as comments made during this determination regarding the design of the dementia care unit roofs. It is considered there will be harm to the Listed Buildings but that this harm will be less than substantial and that the benefits of the proposal outweigh this harm. The proposal therefore complies with the guidance in the NPPF, with policies HER DM1 and HER DM3 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. 210 Rev P2 "Site Location Plan";
Dwg. 203 Rev P5 "Proposed Site Plan";
Dwg. 205 Rev P5 "Proposed Floor Plan";
Dwg. 207 Rev P3 "Proposed Elevations" (Ancillary Buildings);
Dwg. 206 Rev P5 "Proposed Plans and Elevations" (Dementia Care Building); and
Dwg. 330/01/03 Rev B "Landscape Master Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HER SP1 and HER DM1 of the Arun Local Plan.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.