

Simon Davis,
Planning Dept,
Arun District Council
Civic Centre,
Maltravers St.,
Littlehampton.
BN17 5LF

Nyton Lodge,
Nyton Road,
Westergate,
Chichester,
PO20 3UL

By Email

25th July 2020

Dear Simon,

RE: AL/49/20/PL – Nightingale Cottage and Byfields

I write to object to this application on the grounds set out below.

The application identifies that Nightingale Cottage affects a Grade 2 listed building, Nyton Lodge. Our family have lived at Nyton Lodge for 28 years, since 1992, and in 1997 had a professional report carried out on the history of the site. **I therefore ask you to share this response with your Listed Building Officer so that the appropriate consideration can be given to this application.**

1. Historical Context of Nightingale Cottage

The professional report prepared in 1997 shows that Nyton Lodge and the flint barn at Nightingale Cottage once formed part of the same, physically connected property (and there is still a connected water supply). It also shows that the listing entry quoted in the Planning, Design and Access Statement is incorrect: The house is not 18th century but late Elizabethan, possibly completed during the reign of James 1.

The building plaque is dated 1601 and the cottage forming the core of Nyton Lodge is first recorded in the Manor Court records of 1680. It first appears on the Enclosure Map of 1777 as a “cottage, garden, croft and orchards called Nyton”, when the property extended to the road junction at what is now Basmati Indian restaurant.

The flint barn alongside the road at Nightingale Cottage had been built by 1835 and the Manor Court books show that this was probably **between 1789 and 1798**, when timber was purchased. It is a slightly separated building on the Tithe map of 1846. By 1876 the OS map shows it as one complete and connected property also now including the flint barn in the garden.

The barn was separated from the house by 1912, the connecting building having been demolished. It is clearly shown as a complete and substantial structure in the first photograph we have of the property, dated 1898, when what is now the garage was Walling’s Saddlers Shop. At some point in the late nineteenth century the small cottage at Nightingale Cottage appears to have been added to the eastern side of the barn along with the small flint barn in the garden, all as one structure. Nyton Lodge was occupied by the Farm Manager for Nyton House in the early part of the 20th Century (remembered by old Mr Lee, of Lee’s Yard).

It is surprising the larger flint barn was not listed at the same time as Nyton Lodge, in 1984, as the date of 18th Century shown incorrectly for the listing of Nyton Lodge is actually the correct date for

the construction of the barn: If listing one it would have made sense to list the other. This has been drawn to the attention of Historic England so that consideration can be given as to whether it should be listed and the entry for Nyton Lodge can be updated. **It would not be safe to approve a planning application for the demolition of the barn until the historical importance of the building is established.** (see also comments below about the incorrect description in the Planning, Design and Access Statement and adopted Neighbourhood Plan Policy).

The mother of our former neighbour, Julia Gibbons (whom we knew well), purchased the property in 1960 and in 1966 she sold Nyton Lodge, retaining Nightingale Cottage, dividing the property in two. Mrs Gibbons lived in Nightingale Cottage until about 2000, when she sold it to the applicants/ developers. The field behind (of which a small area connecting Byfields and Nightingale Cottage forms part of the application – it is not clear why) was shown as orchards on the 1876 map, remembered by Mr Lee as having been orchards and old fruit trees and bushes which remained and were still undergrazed by sheep when we moved in, in 1992.

The Planning, Design and Access Statement (p23) incorrectly describes the flint barn as “a wall”. Unfortunately it was badly damaged during the 1987 storm at a point when Mrs Gibbons had allowed her building insurance to lapse. The structure was stabilised and 4 walls remain, although one appears of later construction owing to use of brick with flint. While now somewhat overgrown, the attached photos clearly show its structure.

If the listed buildings officer and Historic England determine that the flint barn by the roadside can be demolished to make way for this development then **planning conditions would need to be applied** to ensure it is replaced by a similar extent of good quality flintwork on any new structures where they may be seen from the road and Nyton House. The flint barn currently forms a significant feature along the rural “gateway” into the area of Victorian housing which forms the old hamlet of Nyton and is now part of the village of Westergate. It is clearly listed on the accompanying schedule F to the Flint Walls policy EH11 of the Aldingbourne Neighbourhood Development Plan, where it is also listed as a proposed Building and Structure of Character (BSC).

While the Planning, Design and Access Statement mentions certain policies of the Neighbourhood Plan in support of the application, there is a major oversight in that no reference is made to important policies on the Environment and Heritage, such as EH11, or ALP Policies HER DM1 or LAN DM1 relating to listed buildings and landscape and historic settlement character. It should also be noted that Nightingale Cottage is outside the Built Up Area Boundary and ANDP policy EH1 therefore applies. While P29 of the Statement claims “a replacement house on a one for one basis will not increase the amount of activity generated by the site”, this is clearly wrong: Replacing a 2 bedroom cottage with a 5 bedroom house is bound to do so. Page 21 of the Statement claims the houses have been designed to reflect materials and detailing found within the local area, yet the design fails to incorporate any flint whatsoever. P24 shows the materials for Nightingale Cottage as tile hanging and render, which are completely inappropriate and out of character.

The Arun planning committee should note that this policy was drawn up following consultation at local workshops with building professionals arranged as part of the national Making Places project, presented at the RIBA in London by myself and written up in a CPRE publication. (I emphasise this point because the planning officer dealing with redevelopment of what is now the Vets at the Basmati junction failed to apply a planning condition to reinstate the flint wall there, which caused considerable local annoyance given its prominent position opposite the extensive flint wall at Westergate Mews and the specific consultation undertaken around this policy, which is designed to protect the local heritage).

The Planning, Design and Access statement p10 references the applicants' previous application for a house on the Nightingale Cottage site, which has lapsed/been withdrawn, AL/26/10. As a result of our submission then, a condition was applied for flint facing so as to retain this heritage and visual connection with the Grade 2 listed Nyton Lodge. That lapsed application is inappropriately referenced on p32: Where it says "there will be no new effects as a result of the development", it means in comparison with the lapsed application (now irrelevant), not the current position.

2. Access arrangements

These points need to be drawn to the attention of WSCC Highways Authority: When the previous application for a house at Nightingale Cottage was submitted the Highways Authority required a condition, following our submission, for provision of a footway along Nyton Road in front of the property so as to further connect the footway to the East with the public footpath at the Western boundary of Nyton Lodge, a point which has not been addressed in this new application. That was over 10 years ago, and the volume of traffic along this road has since grown as a consequence of housing development throughout Barnham, Eastergate, Yapton and Aldingbourne.

The access from Nightingale Cottage is on a blind bend. Even 20 years ago, when Mrs Gibbons lived there, and there was less traffic it was a nightmare to exit the property: After someone drove into her from the easterly direction as she was turning left she had a mirror installed on the opposite side of the carriageway. My mother, then in her 80s, was almost killed when a lorry and bus tried to pass each other outside Nightingale Cottage and she had to press herself into the side of the road.

Were the planning committee minded to approve an application for this site, provision of a pedestrian footway would be essential. The Design Statement p23 says a new 2m wider footway will be installed, but this is only at Byfields, not at Nightingale Cottage. My husband and I and our children regularly walk this narrow section of the road and speeding traffic is a constant danger. Traffic surveys have shown cars not infrequently reach 50 to 60 mph at this point. It is a particular danger from the East because people put their foot down after leaving the Basmati junction and have gained speed by this point.

Three years ago in December two accidents took place in this vicinity:

1. A car driven by a staff member emerging from Nyton House was hit by a vehicle coming too fast round the bend from the West
2. A couple of weeks later a young woman broke down at the height of morning rush hour outside Nightingale Cottage, having hit a lump of concrete in the road near Basmati which demolished her front tyre. I found her at 8am and spent an hour flagging down traffic from the Basmati junction in the rain in order to avoid cars crashing into her stationary car, causing a multiple pile up, potentially killing her and others. There was so much traffic, most of it with foot down to speed away by the time it reached me outside Byfields, that it was about 40 minutes before I was safely able to stop flagging people to slow down (with mixed response – some had to apply brakes hard) so as to get through to Sussex police on the mobile and get help. By the time they arrived she had got hold of family, who moved it with my husband's help to our drive.

The applicants have, furthermore, failed to address the consequences of the completion of the 360 housing units at Nyton Nurseries and, eventually, the Strategic development at BEW on traffic flows at this point, particularly during rush hour. Nightingale Cottage itself is a small 2 bedroom property where there has never been more than 2 vehicles (1 car and a forestry truck). The construction of a 5 bedroom house with 2 garages and forecourt parking for further cars would create significantly more danger at this dangerous bend. Consequently, any development of this site and that at Byfields – where parking for as many as 16 vehicles is proposed - would need to be subject to planning

conditions requiring traffic management measures on Nyton Road such as: long visibility splay in each direction **at both properties**, speed bumps, a priority access gateway (as at the entrance to Angmering Village), a weight limit (except for access eg deliveries to Nyton House residential home and Nyton Farm), traffic lights (which are put on by occupants at Nightingale Cottage and Byfields before exiting the property), and a permanent flashing speed indicator device. Signage of the kind currently proposed will not address the serious danger – WSCC have tried this at the request of the Parish Council - and it will be ignored.

3. The Planning Design and Access Statement: Building Form and construction

Nightingale Cottage: The construction of a large, 5 bedroom property on the site of Nightingale Cottage would represent a very large expansion on the footprint of a very small 2 bedroom cottage and the small flint barn in the garden, an overdevelopment of the site. While the design rightly does not include upstairs windows overlooking our kitchen and kitchen patio the building would be significantly higher and bigger than the roof of the current barn and would cut out the light and warmth of the sun from our kitchen and patio garden in the morning, which is when we use this part of the house and garden, creating significant shading of this area. Were the Council minded to approve an application, this part of the building must be single storey with pitched roof, as is the current small barn.

Nightingale Cottage and Byfields: The buildings proposed at Nightingale Cottage and at Byfields both represent much bigger structures than those existing. Bearing in mind the ecologists report highlights the importance of both sites in relation to the important bat population traversing them to access the biodiversity corridor to the south and north of the site, it is questionable whether such large structures are appropriate.

Were the Council minded to approve any part of this application, it would clearly be inappropriate for both sites to be developed either at the same time or sequentially: The vegetation at one part of the site would have to mature significantly before the other part were developed, so as to avoid severing the corridor.

The Planning, Design and Access Statement P18 shows a proposed layout for Byfields which has a gap in the development on the western side and an access to Nightingale Cottage to the rear of Mill View. You should ascertain what these are for. It would create better visibility to re-position the 2 houses currently proposed adjacent to and sideways on to Nyton Road at the rear of the site adjacent to the other houses, which would also better mirror the street scene on the other side of the Old Stores. While p24 claims in the pre-application advice that there are other properties side on to Nyton Road which the proposed configuration would reflect there is only one: The thatched, listed Rush Cottage. The other is Nightingale Cottage, which it is proposed to demolish. A side on configuration would therefore be out of keeping. The Old Stores is not orientated side on.

4. Conformity with Arun Local Plan Housing Policies

It should be noted that this application involves demolishing 3 affordable rental properties (Byfields being 2 rented units at present) in order to create 7 open market properties, one of which is 5 bedroom and clearly not aimed at the affordable market. There is a net gain of only 4 properties. The tenant at Byfield, who was formerly the tenant at Nightingale Cottage and has lived on this site for around 16 years, is being evicted in order to make way for this application. Nightingale Cottage has shamefully been rendered uninhabitable since the last tenants left 2 years ago. No weight can be attached to the claim that this development will help meet the housing shortfall in the District because it removes 3 affordable units and places a burden on Arun DC to house the tenants.

5. Environmental Designations and Biodiversity

The Ecologists report makes very interesting reading and reflects the wildlife we enjoyed finding when our children were young and lately using our bat detector. It is not complete, however: While slow worms are only recorded in the biodiversity corridor to the south, they are also present at Nightingale Cottage and in our adjacent kitchen patio area at Nyton Lodge. Stag beetles are regularly found in our garden and in summer flying along the road outside both Nyton Lodge and Nightingale Cottage. Common newts and frogs are throughout our garden, not just in our small ponds but among vegetation and in places where water gathers.

These are all protected species and cats and dogs will be a threat to them. Contrary to the claim on P27 that "With appropriate mitigation in place, no significant impacts are anticipated to occur", the mitigation measures proposed are inadequate to address the protection of these species and their habitat and its enhancement. Further thought would need to be given to these matters.

There are two errors on the Planning, Design and Access Statement page 8: It says the site comprises mainly cultivated amenity grassland with some bare ground and buildings of limited ecological value. However, it is only Byfields which is described, the ecologists report is not referenced which shows Byfields has a bat roost and Nightingale Cottage is not referred to, which as explained has a range of protected species. The second error is that the reference to statutory designations fails to refer to the fact that the whole site falls within the radius of the Cocking Tunnels SAC.

No provision for renewable energy or rainwater harvesting is shown.

Conclusion

I must stress the fact that while there has been pre-planning application advice and a previous successful application in 2010, these are irrelevant. It is current planning policies which apply, not advice given 5 years ago or policies which applied 10 years ago, which are now quite clearly out of date. The application does not constitute sustainable development.

Yours sincerely,

Louise Beaton









