

Recommendation Report for Planning Permission

REF NO: AL/56/22/PL

LOCATION: Boundary wall to Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Part demolition of boundary wall to form new access to existing site (resubmission following AL/10/22/PL). This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to demolish part of a boundary wall to create a new access into the site to enable construction vehicles access to the property. The wall to be demolished will be reconstructed following completion of works on the site.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The site has a flint wall that surrounds the property fronting Nyton Road.
SITE CHARACTERISTICS	The site is occupied by Nyton House is a large, country house and is Grade II Listed. It is a large property fronted by a late C17 facade, with the inside of the North-West wing of the house originally dating back to at least C16 or earlier. It features two storeys and an attic; it is constructed from red bricks, with a tiled roof. Sash windows exist with a large bay of three windows at the south end of the east front.
CHARACTER OF LOCALITY	There are a number of other Listed buildings in fairly close proximity to the site, with the area featuring sporadic residential properties in a countryside location.

RELEVANT SITE HISTORY

AL/10/22/PL	Part demolition of boundary wall to form new access to existing site. This application is in CIL Zone 3 (zero rated) as other development and affects the setting of a Listed Building.	Withdrawn 25-04-22
AL/11/22/L	Listed building consent for the part demolition of boundary wall to form new access to existing site.	ApproveConditionally 01-04-22

An application for the same works was withdrawn in April due to insufficient highway information.

REPRESENTATIONS

Aldingbourne Parish Council provided no objection.

No representation was received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

This application is similar to AL/10/22/PL, albeit with additional supporting information submitted. This access will be temporary to facilitate construction traffic associated with implementation of AL/42/19/PL. This temporary access will be the subject of an application to agree a Construction Methods Statement secured under Condition 3 of AL/42/19/PL.

The plans details that the access will be afforded visibility splays of 2.0 x circa 6.5m. A Construction Methods Statement has been submitted in support of this application that makes an assurance to implement suitable traffic management at this access point while being used for construction, this is welcomed. It is noted that the construction phase is anticipated to generate in the order of 15 vehicular movements per day. The supporting information includes vehicle tracking to demonstrate how the geometry of the access is suitable for a 16.5m articulated vehicle and 12m rigid body vehicle. These are considered acceptable. Given the limitations with visibility at the access point, if consent is to be granted, the LHA request the LPA consider applying a suitably worded condition whereby the access point can be used in order to facilitate construction traffic associated with the implementation of AL/42/19/PL, and be used in accordance with the approved details as secured by Condition 3 (Construction Methods Statement) of AL/42/19/PL. Providing such a condition can be applied it would not be anticipated that the proposed would have an unacceptable impact on highway safety.

CONSERVATION OFFICER

The application relates to the part demolition of the boundary wall to form a new access. This implies that the section of wall is to be removed on a permanent basis. A review of the Design and Access Statement that the wall is to be removed temporarily and reconstructed on completion of construction works. This seems to imply that the section of walling will be re-built when development in the site has taken place. An area of approx. 8m width would be removed as part of this proposal which the agent identifies as containing numerous examples of cracking, dilapidation, and historic damage to this section of the wall. The heritage statement identifies that the works are a necessary alteration in order to facilitate construction works on the site of Nyton House. On its own, the loss of the boundary walling for construction works elsewhere is not an acceptable argument for the loss of historic fabric.

The sensitive repair of the wall is acceptable, and if this would require that this section be removed and replaced so that it looks like it does now, minus the structural issues, this would seem to be acceptable.

It would help to have a more detailed record of the walling so that the reconstruction could be carefully assessed and managed. All existing flint and bricks should be carefully cleaned and retained on site so

that it can be re-used as part of the rebuilt wall. The quality of the rebuild needs to be high and reflect the existing. A sample panel would be required, along with details of the proposed mortar mix - this could be based on an analysis of an existing sample.

It is not clear how the exposed sections of the walling will be treated for the duration of the works, nor how long it is anticipated for the section of walling to be missing. This information should be provided.

Subject to clarification the submission of additional information by way of condition, the application is considered to not cause harm to the significance of the heritage assets or their setting.

HISTORIC ENGLAND

On the basis of the information available to date, in our view you do not need to notify or consult us on this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary

Listed Building

Area of Character

Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH11](#) Flint Walls

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, The South Inshore & South Offshore Marine Plan 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 revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies are D DM1, T SP1 and HER DM1 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan with policy EH11 of relevance to the application. This relates to flint walls in the parish.

DESIGN AND VISUAL AMENITY

The proposal seeks part demolition of a boundary wall to enable an access to be constructed for works on site. The existing wall fronts Nyton Road and is a highly visible to the wider area. It consists of flint walling with a course of around 6 rows of brick along the top.

The element for removal has a width of just under 8m. However, the wall will only be removed temporarily and reconstructed on completion of the construction works to the main property within the site.

The removal of part of the wall will result in interruption to the boundary treatment that extends a considerable length along the road frontage and is a prominent feature within the street scene. However, the removal is temporary in nature.

There is one existing access serving the site and nearby properties have driveway access along Nyton Road and an access in this location would not appear out of character.

To the ensure the appearance of the rebuilt wall remains in keeping with the existing, a condition has been imposed on the supporting listed application to ensure that existing bricks are re-used, and a

sample panel is submitted for approval prior to reconstruction.

Whilst the work will alter the appearance of the boundary treatment, being temporary in nature it is acceptable, and change will be limited.

Policy EH11 of the NP states 'development proposals which would seek to remove or replace the flint walls will not be supported'. The proposal conflicts with this, at least on a short term basis.

Whilst the flint wall is an attractive feature, the works are temporary in nature and the proposal will not result in significantly harm the character or appearance of the area in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the wall and the development proposed, it will not result in harm upon neighbouring amenity in accordance with D DM1 of the Arun Local Plan.

WSCC HIGHWAY

The access will be afforded visibility splays of 2.0 x circa 6.5m. At the point of the access, Nyton Road is subject to 30mph speed limit although given the nature of the road it is not unreasonable to consider that actual road speeds may be above this.

It is appreciated that this access is sought to facilitate construction traffic associated with the implementation of AL/42/19/PL. As part of this permission a Construction Method Statement which includes how delivery of plant / materials and other vehicular activity associated with the build will be managed should be submitted. This has been submitted in support of this application that makes an assurance to implement suitable traffic management at this access point while being used for construction, this is welcomed. It is noted that the construction phase is anticipated to generate in the order of 15 vehicular movements per day. The supporting information includes vehicle tracking to demonstrate how the geometry of the access is suitable for a 16.5m articulated vehicle and 12m rigid body vehicle. These are considered acceptable.

Given the limitations with visibility at the access point, WSCC recommend a condition is included to specify that access point can only be used to facilitate construction traffic associated with the implementation of AL/42/19/PL and be used in accordance with the approved details within the Construction Method Statement.

Subject to conditions, the proposal will not result in adverse harm the highway in accordance with T SP1 of the Plan.

IMPACT ON LISTED ASSET

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage asset proposed for removal is curtilage listed and surrounds a Grade II Listed property. There are also a number of other Listed buildings in fairly close proximity to the application site. Due to their age, method of construction and appearance, all these assets are of architectural and historical significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The proposal requires the part demolition of a flint wall to enable access for redevelopment works at 'Nyton House'. The part of the wall proposed for removal has cracking, dilapidation and historic damage and the sensitive repair of the wall is acceptable.

Only this specific section of the wall should be removed, and a detailed record of the walling should be

recorded to ensure that reconstruction could be carefully assessed and managed. All of the existing flint and bricks should be carefully cleaned and retained on site so that it can be re-used as part of the rebuilt wall.

To ensure the quality of the rebuild is high and reflects the existing, a sample panel would be required, along with details of the mortar mix - this could be based on an analysis of an existing sample. A condition was imposed on the supporting Listed application which covers these requirements.

As such the application is considered to not cause harm to the significance of the heritage assets or their setting and comply with HER DM1 of the Plan.

SUMMARY

The proposed development complies with development plan policies and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans

- Site Location Plan - 250 P01
- Proposed Site Plan - 203 P3
- Site Plan showing visibility - 254 P01
- Site Plan showing works - 251 P01
- Photograph of existing wall showing temporary removal - 253 P01
- 12m Vehicle Swept Path Analysis - 143.0001.004
- 16.5m Vehicle Swept Path Analysis - 143.0001.003
- Construction Method Statement - (Jan 2022)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The access point can only be used in order to facilitate construction traffic associated with the implementation of AL/42/19/PL, and be used in accordance with the approved details as secured by Condition 3 (Construction Methods Statement) of AL/42/19/PL.

Reasons: In the interests of road safety and in accordance with T SP1 of the Arun Local Plan.

- 4 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.