



# Public Document Pack

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Committee Manager Carrie O'Connor

22 August 2019

## Development Control Committee

A meeting of the Development Control Committee will be held in Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on the Wednesday 4th September 2019 at 2.30 pm and you are requested to attend.

Members: Councillors Bennett (Chairman), Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Hamilton, Lury, Northeast, Mrs Pendleton, Roberts, Mrs Stainton, Yeates and Worne

**PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE**

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)<<http://www.arun.gov.uk/planning>>**

## AGENDA

16. OFFICER REPORT UPDATES CIRCULATED AT THE MEETING (Pages 1 - 20)

Note : \*Indicates report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

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**DEVELOPMENT CONTROL COMMITTEE**

**4 SEPTEMBER 2019**

**OFFICER REPORT UPDATES**



## REPORT UPDATE

**Application no:** A/9/19/PL  
**Page no:** 77  
**Location:** Pound Place Roundstone Lane Angmering  
**Description:** Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL).

### UPDATE DETAILS

#### Reason for Update/Changes:

- One additional letter of representation - There is a small area of land running along the southern boundary of the site which is home to a hedgehog array. This area is currently separated from Pound Place and the Brougham Grove development by the large Trees on the southern boundary of Pound Place and 2 metre high fencing on the northern boundary of Brougham Grove. It is a 'wild' area where trees will be removed. Measures need to be imposed in order to protect the habitat of these endangered creatures while the development proceeds.

#### Officers Comment:

An Informative (No. 18) has been added to the decision notice to inform the applicants that due care for hedgehogs be taken prior to any clearance of vegetation.

- A consultation response from County Highways has been received in respect of the latest plans confirming they have no objection.

- The applicant has confirmed that they are happy to assist in the provision of a footpath along Roundstone Lane. However they are keen that this joins up to a footpath to the north, otherwise the path would lead to nowhere. They are suggesting a condition could be imposed noting that if the footpath link from the north is laid out a scheme is then prepared for a footpath along Roundstone Lane, to the west of the redline area, along the application frontage to Roundstone Lane. In this way the mature tree on the corner of the site would be retained and the path would join up to the proposed footpath on the raidi to the access into the care home development.

Accordingly, an additional condition (no17) has been added to the recommendation.

- Additional revised plans have been submitted. The wording of condition 2 has been amended to reflect these changes.

The sentence in the visual amenity section of the report states:

'The proposal now integrates with the development to the north in that the built form does not extend beyond the eastern limit of that residential development and the railings adjacent to the site have been moved further to the west to provide a better relationship with the extensive area of open space to the rear'. This incorrectly refers to the development to the north: it should read to the south.

**Note: The changes to conditions are attached on the amended replacement recommendation sheet.**

Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL).

Pound Place  
Roundstone Lane  
Angmering

## RECOMMENDATION

### AC - 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:  
  
1388 000A Location plan  
1388 001K Site layout plan  
1388 002G Site layout block plan  
1388 004C Bin store plan and elevations  
1388 010A Structure to front parking bays  
1388 101F Ground floor plan  
1388 102G First floor plan  
1388 103C Second floor plan  
1388 104 Roof plan  
1388 201F Elevations  
1388 202D South and West elevations  
1388 203E North and East elevations  
1388/205A East and North elevations  
1338 204C Section elevations  
AD18024 1.01 A Site survey  
Rev 2 Dated 08/01/2015 REV1 Tree protection plan  
J180649-GL-L-DR-3-001D Boundary planting proposals  
  
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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.  
  
Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.
- 4 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning

Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 Boundary landscaping shall be carried out in accordance with the details shown on plan (J180649-GL-L-DR-3-001D). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme for the areas identified for planting on drawing J180649-GL-L-DR-3-001 revD. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order) no fence/wall or other means of enclosure shall be positioned on the eastern boundary unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 8 Development shall take place in accordance with the mitigation detailed in the Bat Emergence Survey (Jan 2019).

Reason: In the interests of protected species and biodiversity in accordance with policy ENV DM3 of Arun Local Plan.

- 9 Prior to first occupation the hatched area indicated on drawing Site Layout General Arrangement 1388/001 K shall be laid to be an open grassed area and shall remain, at all times, available for public use.

Reason: In the interests of the amenity and the character of the area in accordance with policy D DM1 of Arun Local Plan.

- 10 Before the development is occupied the proposed vehicular access to Roundstone Lane shall be constructed and provided with visibility zones, in accordance with the approved plans all to be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction higher than 600mm.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

- 11 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy D DM1 of the Arun Local Plan.

- 12 No development above damp proof course (DPC) level shall take place until details of boundary treatments screen have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such boundary treatments have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 13 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent



surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy D DM1 of the Arun Local Plan.

- 14 No part of the development shall be used until the covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The approved cycle storage/parking spaces shall thereafter be permanently retained in good working order.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

- 15 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 16 No development shall commence, including works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Council's Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the work.
- The anticipated number, frequency and types of vehicles used during construction.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery.
- Measures to control the emission of dust and dirt during construction.
- Details of flood lighting (including intensity of illumination, type and direction of light sources).
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Hours of construction works.
- An effective vehicle wheel-cleaning facility.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan.

- 17 Prior to occupation the applicant shall provide a footpath along the site frontage with Roundstone Lane in accordance with details to be submitted to and approved by the Local Planning Authority. The footpath shall remain in place as per the agreed details in perpetuity.

Reason To ensure that the site is satisfactorily linked with adjacent sites in accordance with the original Masterplan for the area and policies DDM1(10) of Arun Local Plan.

- 18 **INFORMATIVE:** The applicant should note that under the Wildlife and Countryside Act 1981 it is an offence to kill or capture, under certain circumstances, a hedgehog and consequently due care should be taken when removing existing hedging/vegetation at the site.

- 19 **INFORMATIVE:** A Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

- 20 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 21 **INFORMATIVE:** The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 22 **INFORMATIVE:** To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop. If this is not possible a precautionary approach should be taken within the site with regards to reptiles.
- 23 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 24 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## REPORT UPDATE

**Application no:** AW/134/19/HH  
**Page no:** 11  
**Location:** 33 Balliol Close Aldwick  
**Description:** Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows.

### UPDATE DETAILS

Reason for Update/Changes:

Additional objection received from Cllr Tony Dixon (Ward member for Aldwick West)

- If approved, it would set a design precedent that is out of keeping with the wider estate which could be used as a precedent for similar properties in less discrete locations.

Members should note that the objection received from Aldwick Parish Council also includes " The application is in direct conflict with policy D DM4 b and c of the Arun Local Plan and with the Parish Design Statement page 71".

Officers Comment:

Comments noted however none of these points alter the Officers recommendation.

Reason for Update/Changes 3.9.19 :

Following the post committee site visit revised plans were submitted. The main changes are

- Depth reduced by 1m.
- Dormer reduced by 1.5m.
- Roof altered to the rear to form a barn hip end.

Additional objection received from a nearby occupier.

Officers Comment:

Revised Plans are considered acceptable. Comments noted however no additional points raised that have not already been addressed within the report and none of these points alter the Officers recommendation.

## REPORT UPDATE

**Application no:** AL/42/19/PL  
**Page no:** 97  
**Location:** Nyton House Nyton Road Westergate  
**Description:** 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.

### UPDATE DETAILS

Reason for Update/Changes:

#### (1) TREE OFFICER CONSULTATION

The Council's Tree Officer had raised an objection which was not received until after the agenda had been agreed. However, the objection was on the grounds of missing information and the applicant has provided the necessary items. The Tree Officer is therefore now able to recommend approval subject to three new conditions which are included in the attached replacement recommendation sheet as conditions 03, 09 and 19.

Condition 09 is a new pre-commencement style condition and the applicant has agreed in writing to its inclusion.

#### (2) ADDITIONAL COMMENTS BY THE APPLICANT

The applicant has written to respond to some of the concerns raised at the Planning Briefing Panel. The applicant's response is 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;

Environment enjoyed by the residents of the dementia unit

- The building construction would be suitably detailed to minimise noise transference within the building;
- The building will be well thermally insulated which will also improve the noise resilient nature of the unit;

Noise from the care home

- The space within which it is proposed to build the new unit is currently utilised by the existing facility as outdoor amenity space;
- The addition of a building here, which will be constructed to meet national Building Regulations requirements, will make negligible difference to the existing condition;
- Noise generated within the unit will be controlled by minimum sound absorption requirements.

Size of the building/separation to Wyncote

- The proposed building is single storey and surrounded to the west by a 3m high stone wall, and to the east by a new 1.8m high close boarded fence;
- The separation distance of the single storey development to Wyncote is in excess of 22m;

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:

The changes to the recommendation (i.e. new conditions 03, 09 and 19) are shown on the attached replacement recommendation sheet.

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.

Nyton House  
Nyton Road  
Westergate

## RECOMMENDATION

AC - 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:  
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 D DM1, HER DM1, QE SP1 and T SP1 of the Arun Local Plan.
- 3 All activity at the site is to be carried out in strict accordance with the "TREE PROTECTION: CONSTRUCTION METHOD STATEMENT" by David Hares Landscape Architects (ref. DH-330-01-07).  
Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4.
- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within section 5.0 of the Ecological Impact Assessment by Ecosa ref 4184.FD (February 2019). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.  
Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.
- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No

part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 7 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no part of the new dementia care unit shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because such drainage works are required to be in place before building work commences.

- 8 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy TSP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 9 No development shall commence on the site unless and until, a Pre-Commencement Site Meeting has taken place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners. At this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Arboricultural Impact Assessment), dwg. no. 330-01-02A.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the existing trees and hedges to be retained trees prior to any change to the surface of the site.

- 10 No development above damp proof course (DPC) level shall take place unless and until a schedule of



materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed new buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policies HER DM1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 11 No development above damp proof course (DPC) level shall take place unless and until a scheme has been agreed by the Local Planning Authority which shows how the flint that is to be removed from the site walls and other buildings is to be reused within the development including in the repair of any retained walls and the detailing on the dementia care building. The approved scheme shall thereafter be implemented in full.

Reason: To retain important historical fabric in the interests of the setting of the Listed Building in accordance with policy HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 12 No development above damp proof course (DPC) level shall take place unless and until full details of the new emergency access gates between Wyncote's garage and Nyton Farm Cottage have been submitted to and approved by the Local Planning Authority and said gate shall only be erected in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy HER DM1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 14 None of the approved dwellings shall be occupied unless and until details of the construction and materials of all new joinery (windows & doors) have been submitted to and approved by the Local Planning Authority and the new joinery so approved shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the nearby Listed Building by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 15 The new dementia care building and new laundry building shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that these buildings will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of these buildings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 16 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 17 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the

recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 18 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 19 Any tree pruning approved or considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice plus Arun Local Plan policy ENV DM4.

- 20 All bathroom and toilet windows in the external elevations of the dementia care building hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 21 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 22 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 23 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 24 **INFORMATIVE:** If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 25 **INFORMATIVE:** The applicant should note that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
- 26 **INFORMATIVE:** In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 14/06/19) as available on the Councils website.
- 27 **INFORMATIVE:** The applicant should note that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

## REPORT UPDATE

**Application no:** AL/43/19/L  
**Page no:** 119  
**Location:** Nyton House Nyton Road Westergate  
**Description:** 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.

### UPDATE DETAILS

#### 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.

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