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## Appeal Decision

Site visit made on 31 January 2017

**by Lesley Coffey BA Hons BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7<sup>th</sup> March 2017**

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**Appeal Ref: APP/E3525/W/16/3158680**

**Nowton Care Village, Bury Road, Nowton, Suffolk IP29 5LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Euronite Ltd Heritage Manor Ltd against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/15/1794/FUL, dated 5 September 2015, was refused by notice dated 11 April 2016.
  - The development proposed is the erection of a 62 bedroom, Nursing Home with parking.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a 60 bedroom Nursing Home with parking at Nowton Care Village, Bury Road, Nowton, Suffolk, IP29 5LU in accordance with the terms of the application, Ref DC/15/1794/FUL, dated 5 September 2015, and the plans submitted with it, subject to the conditions in the attached schedule.

### Procedural Matter

2. The description above is taken from the application form, however, during the course of the application the proposal was amended, and the number of bedrooms was reduced from 62 to 60, together with other changes to the proposal. I have assessed the proposal on the basis of the amended scheme.

### Main Issues

3. I consider the main issues to be the effect of the proposal on the character of Nowton Park and the setting of Nowton Court House.

### Reasons

4. Nowton Court was originally built in the late C19 and set in the established gardens and parklands which are now known as Nowton Park. The appeal site no longer forms part of the park, but is part of a larger land holding extending to about 2.15 hectares, known as Nowton Court Village.
  5. Nowton Court Village includes the Nowton Court House (also referred to as Manor House) and The Grange which together provide residential apartments occupied by elderly people requiring varying degrees of care, together with additional facilities within the well-being centre. The proposed care home would form part of Nowton Care Village. Its aim is to provide for the last phase of the changing needs of residents, focusing on nursing and dementia care. It would include communal areas for residents as well as an office, reception, nurse stations, café, hair salon and kitchen.
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6. The appeal site is situated within the countryside where policy CS13 of the Joint Development Management Policies Document 2015 strictly controls development and prioritises the protection and enhancement of the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The Council advise that the site is designated as recreational open space which is protected by policy DM42. It however acknowledges that the site is in private ownership and is distinct from the adjacent Nowton Park and not publicly accessible. It therefore accepts that any technical conflict with policy DM42 is not a matter that should weigh against the proposal.
7. The appellant states that there is an existing and increasing shortfall of nursing home beds within the area and that the proposal would assist with meeting this need. The Council accept that there is a need for the facility and does not object to the principle of the proposal.

#### *Nowton Park*

8. Nowton Park is a country park extending to some 69 hectares in area. It includes formal and informal recreational facilities, with a large car park, a café and other facilities. The formal landscaping of the gardens and parkland included the planting of the Lime Avenue established in the early part of the C20 century. The Council state that Nowton Park received more than 300, 000 visitors in 2014 and has regional significance as a visitor attraction. It lies within a Special Landscape Area where policy DM13 seeks to safeguard the character of the landscape. The Management Plan for the park sets out a number of aims, these include the maintenance and enhancement of the landscape character and heritage of the park through ensuring vistas and views remain unspoilt.
9. The site is located to the north east of the main house and consists of a grassed area enclosed by mature trees on all sides. The most notable feature of the site in landscape terms is the large number of trees. The landscaped setting dominates the character of the wider site. The trees on the appeal site are protected by a Tree Preservation Order and provide a buffer between the built development and the parkland. The submitted arboricultural report identified 86 individual trees, 2 groups of trees and three areas of trees. It is proposed to fell 28 trees in total, 16 of which are required for woodland management reasons. The majority of the trees to be removed are category C, but a number higher quality category B trees would also be removed.
10. The proposed building would encroach upon the root protection area of 2 of the retained trees, including a substantial redwood tree which provides the focal point for the development. The foundations within the root protection area (RPA) of this tree have been designed as an elevated deck supported on piles together with a passive irrigation system. The proposed parking areas would encroach upon the RPA of a number of trees and would be constructed using a 'no dig' construction method and as such should not harm the long term health or viability of these trees.
11. I agree with the Council that in order to satisfactorily safeguard these trees such works would require careful supervision. The appellant has submitted considerable detail in relation to the proposed tree protection measures and provided these measures are adhered to, the proposal would be unlikely to have a significant adverse effect on the retained trees. I am however satisfied that this matter could be addressed by way of an appropriate condition.

12. The Council is also concerned that the proposal could lead to future pressure for the removal of additional trees. The most dominant tree in terms of proximity to the building is the redwood tree. This is a substantial tree with the potential to cast shade throughout the year. However, the proposed building is arranged in a curved form with the corridors and communal areas surrounding the tree and the bedrooms overlooking the more open landscape to the rear. I therefore do not consider that there would be any undue pressure for further tree removal. Having regard to the location of the other retained trees I am satisfied that the proposal would not give rise to any undue pressure for the removal of additional trees in the future.
13. The proposed building would take the form of three crescent shaped wings centred around a giant redwood tree which provides a focal point for the scheme. It would be 3 storeys high. The crescents have been designed to respond to their orientation, aspect, and function. The west facing crescent, in red brick, relates to the original mansion and stable block. The rendered south crescent highlights the entrance point; and the east is designed with large windows to maximise the dappled light through the trees they overlook.
14. The proposal would not intrude upon views along the Lime Avenue, one of the most distinctive features of Nowton Park. The eastern wing of the proposed development would be separated from the circular walk within Nowton Park by a distance of about 8 metres. The boundary vegetation is not continuous and there would be views into the site from several points along a short length of the footpath.
15. Although the proposal is for a substantial building, it has been carefully designed to reflect the parkland setting of its location. The three separate elements and curved form of the building would significantly reduce its visual impact within these limited views. The proposal includes provision for additional planting to the boundary through the regeneration of existing hedges and new infill hedging, as well as the provision of additional evergreen shrubs. Whilst it will take some time for this additional planting to mature, over time it would assist with mitigating the impact of the proposal on these limited views.
16. Due to the very localised nature of the views they would not have a significant effect on Nowton Park as a whole, or the Special Landscape Area and therefore would not conflict with policy DM13. The proposal would therefore be consistent with policy DM2 which requires development to recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and maintain or create a sense of place.

#### *Nowton Court House*

17. Nowton Court House is a non-designated heritage asset. The Council consider that due to the eaves and ridge height of the proposed building it would not appear subservient to the existing building and would harm the setting of Nowton Court House.
18. The trees on the appeal site provide the immediate context for both buildings and the appeal building is would offset from the Nowton Court House separated from it by a considerable distance. It would not intrude upon the vista provided by the Lime walk which is centred on Nowton Court House. I therefore do not consider that the proposal would adversely affect the setting of Nowton Court House and it would not conflict with paragraph 135 of the National Planning Policy Framework.

### *Other Matters*

19. Access to the proposed nursing home would be via the existing vehicular access point from Nowton Road. Subject to the submitted improvements to the access the Highway Authority is satisfied that the proposal would not have implications for highway safety. On the basis of the submitted evidence I have no reason to reach a different view. It is probable that there would be some noise and disturbance during the construction period, however, this would be short term, and in the light of a clear need for additional nursing home beds this consideration does not justify dismissal of the appeal.
20. The proposal would deliver a number of benefits, including addressing a shortfall in nursing home provision within the locality. It would also have the benefit of allowing existing residents of Nowton Court to move within the site as their care needs change rather than move to a new location. The proposal would also deliver significant employment benefits both during the construction period and through the creation of jobs associated with the care home.

### *Conditions*

21. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. I agree that sample of materials should be submitted in order to ensure that the proposed building is of a satisfactory appearance. It is essential that the trees on the appeal site are adequately protected during and after the construction period. Therefore the scheme should be implemented in accordance with the measures within the Arboricultural Method Statement and details of the 'no dig' construction method for the car parking areas should be submitted to ensure that the trees are adequately protected. The Council also suggest a condition in restricting works within the RPA of the trees to be retained. Whilst I accept that these details are necessary they are addressed within Arboricultural Method Statement and therefore a separate condition is not necessary. Details of hard and soft landscaping are necessary to ensure that the proposal is satisfactorily assimilated into its surroundings. I agree that the mitigation measures outlined in the ecology report are necessary in the interests of biodiversity. In order to safeguard the foraging habitat of bats details of any proposed external lighting should be submitted.
22. In order to safeguard the living conditions of nearby residents and the tranquillity of Nowton Park a construction method statement is required. The parking and servicing areas should be provided in order to ensure that there is satisfactory parking available for the intended use. The submitted visibility splays and access improvements are necessary in the interests of highway safety. A Travel Plan is necessary in the interests of sustainability. Details of refuse storage facilities are also necessary in order to ensure that the proposal has a satisfactory appearance.

### **Conclusion**

23. Overall I conclude that the proposal would comply with the development plan as a whole that the appeal should be allowed.

*Lesley Coffey*

INSPECTOR

**Appeal Ref: APP/E3525/W/16/3158680**

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence above ground level until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 3) The development shall be in accordance with the details contained in the Arboricultural Method Statement and the measures set out in section 5 of the *Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012 Rev B* (Haydens Arboricultural Consultants 15.2.16) . The trees shown on the approved landscaping scheme to be retained shall be protected as shown on plans 4788-D-2A, 4788-D-3A and 4788-D-4A . The protective fencing and ground protection shall accord with the requirements of BS 5837:2012.
- 4) Details of the 'no-dig' construction method for the car park and access areas of the site, as shown on plan no. 4788-D-4, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any construction within these areas shall be carried out in accordance with the approved details.
- 5) No development shall commence above the existing ground level until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, plant sizes and proposed numbers/ densities; earthworks showing existing and proposed finished levels or contours; boundary treatments and hard surfacing materials, together with a programme of implementation. The landscaping works shall be carried out in accordance with the approved details including the programme of implementation.
- 6) Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 7) No development shall commence until details of enhancements and other measures, to include bat and bird boxes, in accordance with the recommendations within the updated Ecological Appraisal – August 2015 by Mill House Ecology have been submitted to and approved in writing by the local planning authority. The proposal shall be implemented in accordance with the approved details and an agree timetable for implementation.
- 8) Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the local planning authority. The details shall take into account any ecological mitigation measures as identified in the updated Ecological Appraisal – August 2015 by Mill House Ecology.

The external lighting shall be installed in accordance with the approved details.

- 9) Prior to any development commencing a Construction and Site Management Programme shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The programme shall include:-
- a) site clearance, site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
  - b) noise method statements and noise levels for each construction activity including any piling and excavation operations;
  - c) dust, dirt and vibration method statements and arrangements;
  - d) site lighting.
  - e) construction hours
- 10) The use shall not commence until the areas within the site shown on drawing no. 619 012- Rev C for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided. Thereafter these areas shall be permanently retained and used for no other purposes.
- 11) Prior to the first occupation of the development hereby approved the access improvements and visibility splays shall be provided in accordance with plan no. 619 100 thereafter shall be retained. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 12) Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of the travel arrangements to and from the site for employees and visitors, the staff shuttle bus service, alternative options for staff travel, as well as monitoring provisions. The proposal shall be implemented in accordance with the approved Travel Plan.
- 13) Details of the areas to be provided for storage of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The proposal shall be implemented in accordance with the approved details prior to the commencement of the use and shall be retained thereafter.

----- END OF CONDITIONS -----