
Appeal Decision

Site visit made on 17 January 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/Y2810/W/16/3159236

Land off Bakers Lane, Long Buckby, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jonathan Newton of RCG Long Buckby Ltd against the decision of Daventry District Council.
 - The application Ref DA/2015/1098, dated 20 November 2015, was refused by notice dated 9 June 2016.
 - The development proposed is a 72 bed care home, 10 extra care units and 7 extra care bungalows.
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Decision

1. The appeal is allowed and outline planning permission is granted for a 72 bed care home, 10 extra care units and 7 extra care bungalows at land off Bakers Lane, Long Buckby, Northamptonshire in accordance with the terms of the application, Ref DA/2015/1098, dated 20 November 2015, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The application was submitted in outline with matters related to layout, scale, appearance and landscaping reserved for subsequent approval. Whilst a layout is shown on the block plan submitted with the appeal, it has been confirmed this is for illustrative purposes only. Access is the only detailed matter fixed for determination. I have dealt with the appeal on this basis.
3. A completed legal undertaking under S106 of the 1990 Act was submitted by the appellant during the appeal process, to provide for affordable housing and the improvement of local medical facilities. It has been executed in counterpart by the owner of the land and the appellant as the developer. I am satisfied that the undertaking meets the necessary legal and policy tests set out in paragraph 204 of the Framework and in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended. Therefore, I have taken it into account in reaching my decision.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is in a suitable location for the development proposed, in terms of its accessibility to local services and facilities; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to noise generated by nearby industrial uses and transport routes.
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Reasons

Accessibility to Local Facilities

5. The appeal site is located on the south western edge of Long Buckby, adjoining a larger residential development, which forms a new southern extension to the village. It lies approximately 800 metres from the centre of Long Buckby, where there is a wide range of local services and facilities, including shops, a post office, library, surgery and community centre and places to eat and drink.
6. Access from the proposed development to the village centre on foot would be via safe walking routes alongside Bakers Lane and Station Road. I note the Council's concerns about the ability of future residents of the care home and extra care units to manage the distance and gradient of the walk into the centre of Long Buckby. However, the site is also well served by public transport. There are bus stops on Station Road within a short walk of the appeal site, with regular bus services running at least 6 days a week to and from the village centre. For journeys further afield, Long Buckby railway station is a short walk to the south east of the site, providing connections to Northampton, Rugby, Coventry and Birmingham.
7. For residents unable to walk or travel any significant distance, the appellant confirms that the proposed development would provide a range of services and facilities on-site to meet their day to day needs. This would include a café, library, cinema and salon and an exercise room. Medical and nursing care would also be provided at the care home for those unable to access local the surgery.
8. Therefore, although the appeal site is on the edge of the village, I conclude that is a suitable location for the proposed care home and extra care accommodation, in terms of its accessibility by sustainable modes of travel and to local services and facilities. Accordingly, the proposed development would comply with Policies S1, S10, H1 and R1 of the West Northamptonshire Joint Core Strategy (2014) (the JCS), which encourage development to be located where services and facilities can be easily accessed. It would also be consistent with paragraph 34 of the Framework, which seeks to ensure developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Living Conditions

9. The appeal site is adjacent to a small industrial estate along its south-west boundary, beyond which is the West Coast Main Line railway. Station Road, carrying traffic to and from the village centre, is approximately 50 metres to the east. At my site visit, which was conducted in the middle of the day, I did not notice a significant level of background noise from any of these sources. However, I acknowledge that the surrounding activities have the potential to generate noise, which could cause disturbance to future residents of the proposed care home and extra care dwellings.
10. Therefore, I have carefully considered the noise assessment submitted by the appellant and the comments of the Council's Environmental Health Officer (EHO). The acoustic surveys suggest that noise levels breaking through the gap between the nearest industrial units could affect both internal living areas and external amenity space within the proposed development. However, a

range of mitigation measures are suggested by the EHO and the appellant, including the orientation of the proposed care home buildings, the internal layout of bedroom spaces and communal areas, use of acoustically upgraded glazing and mechanical ventilation, and acoustic fencing to garden areas. Together it appears these measures would be capable of achieving acceptable internal and external noise environments, in line with World Health Organisation (WHO) guidelines. Subject to a suitably worded condition, the detailed design and implementation of an appropriate noise mitigation scheme could be secured as part the reserved matters.

11. On this basis, I conclude that the proposed development would be capable of providing acceptable living conditions for future occupiers and that noise generated by the nearby industrial uses and transport routes would not cause unacceptable levels of disturbance. Consequently, the proposal would comply with Policy H1 f) of the JCS, which expects account to be taken of the living conditions of future residents in the design of new residential development. It would also accord with paragraph 17 of the Framework which seeks a good standard of amenity for future occupants of land and buildings.

S106 Planning Obligations

12. Policy H2 of the JCS requires the provision of affordable housing for all residential developments, including sheltered housing and assisted living schemes with self-contained units. The requirement in the Rural Areas of the district, where the appeal site is located, is for 40% of the total number of units to be affordable. The appeal proposal includes 17 extra care units which qualify as sheltered or assisted living units. Therefore, a total of 7 extra care units would need to be provided as affordable housing.
13. Policy RC2 of the JCS also expects new residential and commercial development to make provision for community facilities, including financial contributions towards the enhancement of existing facilities. In this case there is a requirement for a contribution towards improvements at the Long Buckby doctor's surgery, which would be necessary to support the proposed development.
14. The appellant has submitted a unilateral undertaking under S106 of the 1990 Act with clauses which would ensure the provision of 7 extra care units meeting the definition of affordable housing in Annex 2 of the Framework. Clauses are also included to secure a modest but reasonable financial contribution towards the cost of expansion of the Long Buckby surgery. Whilst the Council has requested a number of amendments to the undertaking, none of these would be required to make the proposed development acceptable. Nor would the undertaking as drafted be unenforceable by the local planning authority on the appellant and the landowner.
15. Therefore, I am satisfied that with the undertaking in place the proposed development would comply with Policies H2 and RC2 of the JCS. Consequently, the planning obligations would meet the tests set out in paragraph 204 of the Framework and in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended.

Other Matters

16. I note the concerns of the highway authority and the crime prevention design advisor about the level of parking that would need to be provided on site to cater for staff, visitors and residents and how this would be managed to avoid 'nuisance' parking by users of the nearby railway station. However, these are details which could be addressed as part of the layout and landscaping of the site at reserved matters stage. Likewise the absence of details of surface water drainage raised by the drainage authority could be dealt with by a reserved matters condition.

Conditions

17. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance, the conditions suggested by the Council and the amendments offered by the appellant. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans in the interests of clarity and proper planning. Conditions setting out the details of the reserved matters to be submitted for approval are necessary to ensure the development makes a positive contribution to the character and appearance of the area and in the interests of highway safety, community safety and sustainable drainage.
18. A scheme of noise mitigation is necessary to ensure the living conditions of future occupiers of the development are acceptable. A condition limiting the hours of site operation is both reasonable and necessary to protect the amenity of local residents during construction. Finally a condition to ensure the development is not brought into use until the off-site highway improvement works required by the original outline permission for the site have been implemented is necessary in the interests of highway safety.
19. The permission is also subject to the legal undertaking under S106 of the Act, dated 21 February 2017 and referred to in paragraphs 3, 14 and 15 above, to ensure the development provides for affordable housing and improved community facilities in accordance with the JCS.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed, subject to subject to the conditions specified and the S106 legal undertaking.

M Hayden

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted, including the details of the access, shall be carried out in accordance with the following approved plans: 15-27/01 and 15-27/03B.
- 5) The details required to be submitted in compliance with condition 1 shall include:
 - i) Details of the parking layout and security to be provided on site to avoid overspill parking into surrounding streets and prevent the use of the site by users of the nearby railway station; and
 - ii) A scheme for the sustainable drainage of surface water on the site.
- 6) Construction work shall not take place until a scheme for protecting the development hereby permitted from noise from the nearby industrial estate and railway line shall have been submitted to and approved in writing by the local planning authority. The scheme shall have regard to the recommendations of the Care Home Noise Assessment report submitted by Cass Allen Associates reference RP01-15310, dated 20 November 2015. All works which form part of the scheme shall be completed before any part of the development is occupied and shall be retained thereafter.
- 7) The development hereby approved shall not be brought into use and/or occupied until and unless the A5/Station Road, Long Buckby junction improvement works as shown on PBA Drawing No. 13814/202/007 - Figure 6 pursuant to planning permission DA/2011/0726 (appeal ref: APP/Y2810/A/12/2174386) (or as subsequently amended by Road Safety Audit or Detailed Design) have been approved and completed to the satisfaction of the local planning authority in consultation with Highways England.
- 8) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays and 0830 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.