

ITEM NUMBER: 5c

21/04769/MFA	Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.	
Site Address:	Land at Miswell Lane, Tring	
Applicant/Agent:	Montpelier Estates Ltd/Q+A Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	The recommendation is contrary to that of Tring Town Council.	

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

2.1 The proposed residential care home (C2) is located in a residential area and would make an important contribution towards addressing the housing needs within the Borough in accordance with Policies CS4, CS17 and CS18 of the Core Strategy and the Local Housing Needs Assessment.

2.2 The submitted proposals have undergone a number of amendments resulting in substantial improvements to the overall scale, site coverage, layout and design of the proposals. The resulting proposal is considered to be a high quality development that does not result in any significant harm to neighbouring units in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy.

2.3 The access and parking arrangements are considered to be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and in accordance with the Car Parking Standards.

2.4 The economic and social consequences of development are considered to out-weigh any limited harm to the environment resulting from the loss of open land and hedgerows. The proposals do not result in significant harm to landscape features in accordance with Policies CS25 and CS26 of the Core Strategy nor would they be detrimental to heritage assets in accordance with Policy CS27 of the Core Strategy. Environmental harm will be effectively mitigated by landscaping and drainage proposal with a view to maintaining the biodiversity value of the site.

3. SITE DESCRIPTION

3.1 The application site is located on the eastern side of Miswell Lane, close to its junction with Icknield Way. The site comprises an area of open land surrounded by commercial developments to the north and west of the site and residential uses to the south and east of the site.

4. PROPOSAL

4.1 The application has been amended during the course of determination with a reduction in the proposed height and number of dwellings.

- 4.2 The proposals now involve the construction of a care home comprising some 72 bedrooms arranged over two and a half storeys. The care home would provide specialist dementia care, residential care and respite care.
- 4.3 The facilities within the building would comprise en-suite bedrooms with a range of communal and amenity spaces including a café/restaurant, multi-purpose space, hairdresser, lounges, dining areas and hobby rooms.
- 4.4 A total of 28 car parking spaces would be provided to serve the development including 1 ambulance bay, 1 delivery bay and disabled parking bays.

5. BACKGROUND

- 5.1 The applicant's, Montpelier Estates, have been providing nursing home accommodation since 1997 and have delivered in excess of 3000 beds for the care sector. The proposal will be developed and operated by Care UK, the largest provider of residential care for older people. Care UK operates 154 care homes providing residential and nursing care.
- 5.2 The applicant's engaged with the Council at an earlier stage in the planning process and the application was subject to a pre-application request for the construction of a care home comprising between 80-85 bedrooms (21/01726/PREC). The pre-application response concluded that the principle of development could be supported subject to an appropriate design being provided. A separate pre-application request was made to the highway authority.
- 5.3 A previous application for the construction of nine residential units on the site was refused in 2019 (4/01969/19/OUT) on the basis that the proposals would be "an inefficient use of the land and thus did not provide an appropriate contribution towards the Council's housing need"

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Site Allocations Development Plan Document (2017)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 – Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 – Economic Development
CS17 – New Housing
CS18 – Mix of Housing
CS19 – Affordable Housing
CS23 – Social Infrastructure
CS26 – Green Infrastructure
CS27 – Quality of Historic Environment.
CS29 – Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Tring Place Strategy
CS35 – Infrastructure and Developer Contributions.

Site Allocations DPD

Site Allocation H/15 – Land at Miswell Lane

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Energy Efficiency and Conservation
Strategic Site Design Code
Water Conservation

8. CONSIDERATIONS

Policy and Principle

- 8.1. The application site is located within a residential area of Tring as set out in the Site Allocations DPD and following revisions to the boundary of the Icknield Way General Employment Area (GEA) is identified as housing site H/15. The site is considered suitable for up to 24 residential dwellings with access taken from Miswell Lane. Although it may be afforded very little weight at this stage, the site is also taken forward in the emerging Single

Local Plan (SLP) as growth area Tr05. The site is considered to be suitable, in principle, for a residential use.

- 8.2 Policy NP1 of the Core Strategy requires the Council to take a positive approach to the consideration of development proposals and work pro-actively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. This would extend to expediting the delivery of housing sites such as H/15, particularly where there may be issues with under delivery or a poor housing land supply. It is prudent to expedite the delivery of allocated sites in the interests of maintaining a housing land supply and the supply of affordable homes and to address causes of under delivery as required under paragraphs 68, 69, 76 and 77 of the NPPF.
- 8.3 The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed of the Core Strategy. As members will be aware this target is for the provision of an average of 430 dwellings per annum between 2006 and 2031. This is anticipated to increase as progress is made on a new Single Local Plan (SLP) and as a result of the governments housing projections. Tables 8 and 9 of the Core Strategy make it clear that the towns and allocated sites have an important role in the delivery of the housing strategy. It is important to optimise the use of allocated housing sites in accordance with paragraph 119 of the NPPF and Saved Policy 10 of the Local Plan not only to deliver the requisite housing in the plan but also to limit the allocation and loss of further land within the Green Belt or outside key settlements for residential purposes
- 8.4 Policies CS18 and CS19 of the Core Strategy place a great emphasis on the delivery of affordable homes on identified sites over the plan period.
- 8.5 The underlying need for care provision has historically been poorly identified through local plan process. Indeed it is arguable that these needs have been neglected in the knowledge of an aged population. The need to address such matters is recognised in the Government White Paper 'Fixing our broken housing market' (2017). The Ministry of Housing, Communities and Local Government published National Planning Practice Guidance on Housing for Older and Disabled People (June 2019) and on Housing needs for different groups (July 2019). These documents recognise that the need to plan for an increasingly aged population and indicates that local planning authorities should produce specific policy or targets for different types of housing in addition to the traditional targets for affordable and gypsy and traveller site provision through their emerging development plans.
- 8.6 A new general housing target and a number of housing typology targets are integral to the SLP and there is a substantial evidence base that sits behind the production of this document. The South West Hertfordshire Local Housing Needs Assessment (LHNA) not only identified the overall local housing need for the Borough, but also the needs of different sectors of the community including for affordable housing and specialist accommodation (including care home provision). Therefore, in addition to the overall housing target, it is prudent to plan for the delivery of schemes that provide new bed-spaces to help meet the accommodation needs of older people needing residential or nursing care. Such needs are identified in the emerging Single Local Plan (SLP) and are set out in Policy DM9 thereto.
- 8.7 The LHNA highlights that the population of people aged 65 years and over is expected to rise by 45% by 2036 and with such a growth in the aged population there is likely to be an increased societal need for specialist accommodation. It identifies over the next plan period that a total of 614 housing with care (both rented and leasehold) will be required. An additional 1019 bed spaces are likely to be necessary within residential care homes and nursing homes over this period (2020-2036).

- 8.8 The proposed development would provide accommodation for the quickly changing and increasing needs for elderly care, but this needs to be carefully considered against the theoretical loss of affordable housing opportunities that might be deliverable via a conventional housing scheme. The provision of accessible social infrastructure including care homes is strongly encouraged within urban areas under Policy CS23 of the Core Strategy.
- 8.9 The Council is not at present able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF and as a consequence one must also consider the proposal against the Frameworks presumption in favour of sustainable development (paragraph 11) This requires a balancing of the economic, social and environmental impacts of development. This planning balance will be discussed in more detail later within the report.

Housing Delivery Tests

- 8.10 The provision of care home accommodation would contribute towards the delivery of housing need as set out in the LHNA and in guidelines for calculating the requirements under the Housing Delivery Test. Under the HDT the provision of C2 housing should not be calculated as a 1:1 receipt with the relevant ratio applied to Dacorum reflecting the average number of adults per household within the Borough. The delivery of this proposal would amount to the delivery of 40 homes towards the HDT targets (ratio of 1.83 bed spaces per dwelling). The provision of 40 homes would provide a greater contribution towards the housing land supply under this calculation than the development of general needs residential housing in accordance with H/15 could realistically achieve. The delivery of homes should be given significant weight.

Affordable Housing

- 8.11 The NPPF indicates that an exemption to affordable housing should be provided where the proposed development provides 'specialist accommodation'. This development is not expected to provide affordable housing either on site or through financial contributions for off-site affordable housing delivery
- 8.12 The Council would normally expect the provision of 8 units of affordable housing from a residential development of the scale envisaged in H/15 (24 units) and in accordance with Policy CS19 of the Core Strategy¹. The loss of the affordable units in this case needs to be carefully balanced against the provision of specialist care accommodation. In this case, it should be noted that the property is specifically designed to accommodate residents with dementia and given the shortfall in care provision this should be afforded significant weight in the planning balance. As such there would be no objection to the theoretical loss of affordable homes in this case.

Layout, Scale and Design

- 8.13 The Council expects a high quality design to be pursued in this location in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy. Additional advice upon the layout and design of residential development is contained within Saved Appendix 3 of the Local Plan 1991-2011
- 8.14 The applicants have positively responded to advice from the case officer and conservation officer reducing both the overall quantum of development from 80 units to 72 units and

¹ Affordable housing is subject to viability assessment and might be reduced given the need to provided First Homes in accordance with the NPPF.

reducing the overall height of the proposals. The latest revised plans also address the concerns of the Conservation and Design Officer as set out within the representations section of this report.

- 8.15 The revised scheme significantly reduces the proposals footprint and mass, demonstrating that there is sufficient land for extensive landscaping and appropriate numbers of car parking. The footprint has been pulled away from shared boundaries to minimise overlooking whilst serving to maximise usable garden area. The height of the building has also been reduced, with most of the development now being two-storeys with dropped eaves. The proposed development is considered to be appropriate in terms of its scale, site coverage, bulk and design in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.
- 8.16 The central block, where the main entrance is located, is the only area where rooms would be located at second floor level. These rooms would contain staff facilities. The increase in height to this central block provides an emphasis to the entrance and forms the focal point of the courtyard. A traditional and in-keeping material palette has been proposed, with red brick and clay tiles used throughout and tile hanging and render used to help break up the mass. Red Flemish bond brick with blue headers has been used to further articulate prominent sections of the care home. The materials are considered to be appropriate but samples should be provided via a planning condition to ensure a satisfactory appearance to the scheme.

Impact on Heritage Assets

- 8.17 Sections 16 and 166 of the Planning (Listed Building and Conservation Areas) Act 1990 require the local planning authority to have special regard to the desirability of preserving historic buildings and their settings. This duty extends to our consideration of historical assets on and within the immediate environs of the proposals. Such matters should be considered in the context of the NPPF and Policy CS27 of the Core Strategy.
- 8.18 Tring Windmill is a grade II listed building located some 60m to the north east of the application site and beyond the rear gardens of properties in Miswell Lane. The windmill at 4 Ickniel Way dates from 1840 and retains much of its original fabric despite its conversion and use as a dwelling in the seventies. It is a local landmark in view of its height and architectural significance. The proposed care home would not diminish the significance of this structure nor its impact on the landscape. The proposal is not considered detrimental to the setting of this building in accordance with the NPPF and Policy CS27 of the Core Strategy.

Access and Parking

- 8.19 The application is accompanied by a Transport Statement and this has been reviewed by the County Council in their capacity as highway authority. The Transport Statement demonstrates that the proposed development would generate very low levels of traffic below those anticipated for the development of more general needs housing and proposed under allocation H/15. It also demonstrates that the traffic generated by the proposed scheme can be accommodated on the surrounding highway network without causing substantial harm to matters of highways safety in accordance with Policies CS8 and CS12 from the Core Strategy, Saved Policy 51 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020).
- 8.20 The main reason for objection to the scheme is that the highway in Miswell Lane is inadequate in width to accommodate the traffic associated with the development. The width of highway along the frontage of the application site varies from approximately 4.1m to

4.5m. This is consistent with the width of the highway either side of the application site, however there is a sense of the highway being more open beyond the application site because it is not bounded by a high overhanging hedge. The highway authority have confirmed that there is no need for the highway to be widened in this location to accommodate the development and provide satisfactory access thereto.

- 8.21 The proposed access to the development occurs at the narrow point of the road and this section will be widened as a result of the construction of a bellmouth entrance to the site and given the inclusion of visibility splays. The hedgerow along Miswell Lane will be removed and replaced with a new hedge set back from the highways edge to provide suitable visibility splays to and from the site.
- 8.22 The proposed access to the site is considered suitable for both private cars and larger vehicles and would provide an appropriate access to the site in accordance with Policies CS8 and CS12 of the Core Strategy.
- 8.23 The site is located in Accessibility Zone 3 and in accordance with the Car Parking Standards SPD (2020) the development will be expected to provide 0.25 parking spaces per residential bed space. An allowance should also be made for residential staff where applicable. As there are no residential staff within this scheme there is a requirement under this policy to provide a total of 18 parking spaces. Although these are “allocated” to residents, residents within the scheme will seldom have access to their own vehicles given their health conditions. A total of 26 car parking spaces are provided together with an ambulance bay and delivery bay.
- 8.24 The Transport Assessment anticipates that at peak times up to 26 members of staff may be on the premises during the day time period (reducing to approximately 14 staff at night time) Around 60% of staff are expected to access the site by car (exclusive of car sharing) amounting to a parking demand for 18 spaces in accordance with the Car Parking Standards SPD (2020) A further 8 spaces are provided for visitors to the site.
- 8.25 Staff will be encouraged to utilise sustainable modes of transport in preference to the car through the delivery of a Travel Plan and by the inclusion of cycle and changing facilities within the scheme.
- 8.26 The proposed on-site parking arrangements are considered to be appropriate in the context of Policies CS8 and CS12 of the Core Strategy, Saved Policies 57 and 58 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020).

Impact on Amenity

- 8.27 The planning application is accompanied by an Acoustic Assessment, which demonstrates that the care home can comfortably co-exist with the existing commercial operations to the west of the site without constraining existing commercial activity. Residential rooms located at the rear of the site will still have appropriate levels of internal noise in accordance with the NPPF and relevant British Standards. The strategy for reducing noise to residents is considered to be acceptable to the environmental health team however it does need to be updated in accordance with changes to the layout of the development. It is recommended that the submission of further information and an updated noise mitigation strategy shall be submitted under a planning condition.

Impact on Neighbouring Properties

- 8.28 The proposed development is appropriately set back from Miswell Lane and separated from adjoining residential properties to prevent any issues of overlooking, overshadowing or over bearing impact to this properties. A landscaped buffer will screen residents from the neighbouring commercial premises to the rear of the site.

Sustainable Construction

- 8.29 The proposals are not accompanied by any Sustainability Statement and as such it is difficult to assess whether the proposals would be in accordance with Policy CS29 of the Core Strategy. There are indications within the Design and Access Statement and the submitted plans that the proposal would provide EV charging infrastructure and photovoltaic panels or heat recovery units may be located on the roof space of the property. The requirements for EV parking space infrastructure appear insufficient when considered against the car parking standards, whilst other proposals for the conservation of energy and water are vague within the submitted documentation. It is clear that a landscaping scheme would provide additional tree planting and biodiversity improvements.
- 8.30 The inclusion of sustainable construction measures, associated infrastructure and landscaping improvements need to be expanded upon before one can be certain that the requirements of Policies CS12, CS29, CS31 and CS32 of the Core Strategy have been adequately addressed. It is recommended that additional information is provided by condition.

Flooding and Drainage

- 8.31 The application is supported by a Drainage Strategy and Flood Risk Assessment confirming that the site is located in Flood Zone 1 and is at low risk from river flooding and very low risk from surface water flooding.
- 8.32 A proposed surface water drainage strategy for the development has been prepared and is based on SuDs principles. This comprises the disposal to ground of surface water via conventional soakaway chambers and through permeable paved areas to the car parking areas of the site. Foul water will discharge to the adjacent foul water sewer as agreed by Thames Water. Despite the concerns of the Lead Local Flood Authority, the proposed approach is considered to acceptable in principle in accordance with Policy CS31 of the Core Strategy.
- 8.32 The LLFA are concerned with regards to the susceptibility of the site to groundwater flooding and require further information to overcome their objections to the development. The response of the LLFA does not appear to take the submitted report of Applied Geology into account, wherein there is evidence that the site has been subject to borehole and trial pit tests. These did not encounter any groundwater up to a depth of 9.7m and it is anticipated that the groundwater level at the site is at least 15m below ground level. This presents a very low risk to the development of the site
- 8.33 The applicants confirmed via an email of the 28th March 2022, that the calculated wetted infiltration area would amount to some 59m². I am satisfied that this is appropriate given the comments of the LLFA and subject to their confirmation thereon. This matter is not considered fundamental to the determination of this proposal as there is clearly scope to increase this infiltration area if required and following the final drainage design,

Ecology and Biodiversity

- 8.34 The proposals should deliver improvements in the ecological and biodiversity value of the site supporting the objectives in Policies CS12, CS26 and CS29 of the Core Strategy.

- 8.35 The submitted Arboriculture Impact Assessment demonstrates that existing hedgerows along the south eastern and south western boundaries of the application site will be retained for the duration of the application and could be supplemented with additional planting. The boundary hedge to Miswell Lane (H1) will however need to be removed to facilitate the construction of the access and new frontage landscaping. This hedge comprises Ash, Hawthorn, Field Maple, Hazel and Blackthorn, but is considered by the arborist to be a poor quality hedgerow. The hedge is unmanaged and overhangs the highway and there is evidence that the Ash within the hedge are showing evidence of disease and dieback. A new hedge and landscaped corridor will be set back within the application site.
- 8.36 Five trees will be required to be removed as a result of the development including a single category A specimen and three category B trees. These will be replaced through a comprehensive landscaping scheme for the site. Whilst these trees are considered to be of good quality, they are all young and relatively small trees whose removal can be mitigated. The proposed site plan indicates that 22 new trees would be provided on the application site.
- 8.37 The submitted Ecological Appraisal indicate that the site is dominated by species poor, semi-improved grassland.
- 8.38 The ecology report also identifies two hedgerow (H1 and H2) to be important hedgerows under the Hedgerow Regulations 1997. As identified above H1 will need to be removed to facilitate development. The ecologist agrees that this is poorly maintained and that gaps between the canopy and ground level are likely to increase as the hedge matures and in the absence of corrective management. Although the hedge has a high ecological value within the context of the site it does not provide any wider ecological connections beyond the site. H3 is not important in the context of the Hedgerow Regulations 1997 but contains a multi stemmed beech standard with features that could be exploited by roosting bats and nesting birds. Trees on the site itself are unlikely to be suitable as bat roosts and have a moderate ecological value. The site is considered to have low value for protected species of bat, reptile, badger, invertebrates and amphibian with little evidence of use encountered during site surveys.
- 8.39 The loss of H1 is acceptable in this instance given the current management practices and potential deterioration of this feature, particularly if the opportunity to secure the replacement of the hedgerow in a more suitable location set back from the road is provided.
- 8.40 The report includes a number of recommendations to improve the biodiversity and ecological value of the site and these should be pursued through the submission of a detailed landscaping scheme for the site.

Infrastructure and Planning Obligations

- 8.41 All new developments are expected to contribute towards the provision of on-site, local and strategic infrastructure in accordance with the requirements of Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.42 The impact of development on local and strategic infrastructure one must have regard to the provisions in the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 and the advice within the NPPF.

- 8.43 Planning obligations may be used to secure financial contributions towards infrastructure or to control the type and nature of development. Paragraph 57 of the NPPF makes it clear that planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms,
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

Chilterns Beechwoods Mitigation Strategy

- 8.44 The Chilterns Beechwoods Special Area of Conservation (SAC) is an extensive site covering nearly 1,300 hectares and is made up of several components within Dacorum, Buckinghamshire, South Oxfordshire, and Windsor and Maidenhead. It is the only SAC in Dacorum and is protected for its beech forests, semi-natural dry grasslands and scrub, and its population of stag beetles.
- 8.45 The Council has a legal duty under the Conservation of Habitats and Species Regulations 2017 and the Habitat Regulations 2019 to ensure that any plan or project within its administrative area does not adversely affect the integrity of the SAC. The Council has identified that there is a wide Zone of Influence for the SAC within which new residential development has the potential to exacerbate recreational pressure thereto.
- 8.46 The impact of a Care Home on recreational pressure to the SAC has however been accepted by Natural England to have a negligible impact given the age profile, mobility, infirmity and care needs of the future occupants. In such circumstances it is not necessary for the development to make a contribution towards either the strategic management of the SAC or provision of alternative natural green space.
- 8.47 It is necessary to restrict occupation of the premises in the interests of the protection of habitat and species at the SAC to those requiring care provision through a legal agreement to ensure that this remains the case and in accordance with the advice of Natural England. This would ensure the protection of the integrity of the SAC in accordance with the Habitat Regulations and Policies CS25, CS26 and CS35 of the Core Strategy.

Community Infrastructure Levy (CIL)

- 8.48 The Council adopted its CIL in 2015 and will secure financial contributions towards infrastructure in accordance with its adopted Charging Schedule. In accordance with the Charging Schedule, no charge would be levied against Care Homes, which as a land use can often result in marginal or sub optimal scheme viability.
- 8.49 It is prudent to secure those elements of care within the property which result in its overall land use falling within a C2 use class and being exempt from the CIL charges under the adopted Charging Schedule. The suggested heads of terms for such matters are those controlling the use of the building and the mobility and/or dependency of occupants including an assessment of their medical needs.

Medical Contributions

- 8.50 Both the Herts Valleys Clinical Commissioning Group (HVCG) and the East of England Ambulance Service (EEAST) have requested financial contributions towards the delivery of health facilities and services within the locality under Policies CS23 and CS35 of the Core Strategy. The CCG require contributions towards the provision of buildings capable of accommodating the additional GP provision required as a result of development and the

provision of affordable bed spaces within the scheme, whilst EEAST are looking for contributions for the provision of ambulance services including the provision of patient transport services.

- 8.51 I would refer to the recent legal judgement of R (*University Hospitals of Leicester NHS Trust*) v *Harborough DC* [2023] *EWHC* 263 (Admin)² in consideration of these sums. The NHS Trust in this case launched a judicial review challenged the grant of planning permission for 2,750 homes on the basis that a contribution was not secured to address the impact on its services from new residents.
- 8.52 The judge rejected all four grounds for appeal, confirming that the NHS is centrally funded and therefore asking local developments, such as a nursing home, to make such contributions would place an undue burden on them. It was concluded that a local funding gap would only arise if funding for the relevant NHS Trust did not adequately reflect a projected increase in population and/or the national funding system did not adequately provide for a timely redistribution of resources.
- 8.53 The justification provided by EEAST (referred to therein as EoEAS) must be seen in the context of the statutory framework for the provision of patient transport. The judge concluded that the obligation to provide the service and the financial responsibility for those services lies with the NHS as distinct from typical obligations where the developer is required to mitigate an impact arising as a direct result of development. EEAST, in this case, were not able to demonstrate localised harm as a result of the development and thus the contribution towards patient transport services did not meet the tests set out in paragraph 57 of the NPPF as repeated in paragraph 8.43 of this report. The applicants also indicate that this would be unreasonable as it would also duplicate services provided under private care packages.
- 8.54 The applicant's rebuttal of the requested contribution for GP services disputes that the proposed development will have an adverse impact on GP services. In doing so it highlights that the positive contribution that a care home makes through its provision of social care to residents in reducing the burden on GP practices. Residents within the scheme would be receiving care 24 hours a day by qualified nurses within the home setting. The rebuttal highlights that a contribution towards a building which would seldom be used by residents because of physical or mental infirmity would not be necessary to make the development acceptable nor would it be fair or reasonable.
- 8.55 The requested contribution towards GP services is likewise considered to fail the tests in paragraph 57 of the NPPF as repeated in paragraph 8.43.

Representations

- 8.56 The concerns of local residents and the Town Council are addressed above except for those relating to light pollution and the management of construction activities.
- 8.57 The submitted Design and Access Statement provides a clear strategy for the lighting of the application site. The site will be subject to a low level of external lighting with suitable fittings being provided to focus light to access routes and associated pathways and prevent light spill. This should not result in any light pollution in the locality of the application site.
- 8.58 To address the concerns relating to construction activity, noise and general disturbance, it is suggested that a Construction and Environmental Management Plan is provided prior to

² <https://www.landmarkchambers.co.uk/r-university-hospitals-of-leicester-nhs-trusts-v-harborough-district-council/>

the commencement of any development on site. This would be in accordance with Policies CS8, CS12 and CS32 of the Core Strategy.

Planning Balance

- 8.59 The tilted balance is evoked by paragraph 11 of the NPPF and as the Council does not have a five year housing land supply. Under paragraph 11 (d) the Council should grant planning permission for proposals unless the application of policies in the NPPF that protect areas or assets provide a clear reason for refusal or, in the case of the application site, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.
- 8.60 The above report sets out that there would be very little adverse impact from the proposed development when considered under the development plan and NPPF. Whilst it is recognised that there is some loss of landscape features through the development of the site, this loss can be mitigated through the use of planning conditions.
- 8.61 The proposed care home will provide new homes to address the requirements under Policy CS17 of the Core Strategy. Significant weight should be applied to the delivery of specialist care accommodation which would meet the needs of the ageing population and reduce the burden on existing NHS and adult care services. The development will make it easier for elderly people to remain in the locality and existing support networks with associated social benefits.
- 8.62 The proposed care home is anticipated to add significantly to the local economy. It will provide approximately 70 jobs in a variety of part time and full time roles ranging from skilled maintenance and house-keeping jobs to qualified nursing, medical and managerial roles. The care home, its employees and residents will also make significant contributions to the local economy through localised expenditure with the home operator seeking to trade with local suppliers for equipment, food and household supplies. Short term economic benefits will result from construction activities within the area.
- 8.63 A high quality landscaping scheme for the site has the opportunity to improve the overall ecological and biodiversity value of the site and this should be demonstrated through the submission of a biodiversity improvement statement and matrix under the terms of the suggested landscaping conditions to the site.
- 8.64 The planning balance weighs heavily in favour of the grant of planning permission in this case.

9 CONCLUSION

- 9.1 The proposed residential care home (C2) is located in a residential area and would make an important contribution towards addressing the housing needs within the Borough in accordance with Policies CS4, CS17 and CS18 of the Core Strategy and the Local Housing Needs Assessment.
- 9.2 The submitted proposals have undergone a number of amendments resulting in substantial improvements to the overall scale, site coverage, layout and design of the proposals. The resulting proposal is considered to be a high quality development that does not result in any significant harm to neighbouring units in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy.

- 9.3 The access and parking arrangements are considered to be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and in accordance with the Car Parking Standards and are not subject to any objection from the highway authority
- 9.4 The economic and social consequences of development are considered to out-weigh any limited harm to the environment resulting from the loss of open land and hedgerows. The proposals do not result in significant harm to landscape features in accordance with Policies CS25 and CS26 of the Core Strategy nor would they be detrimental to heritage assets in accordance with Policy CS27 of the Core Strategy. Environmental harm will be effectively mitigated by landscaping and drainage proposal with a view to maintaining the biodiversity value of the site

10 RECOMMENDATION

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 10.2 That the legal agreement secures the following Heads of Terms
- The restriction on occupation and use of the site for purposes falling within Class C2 (Residential Care Home)
 - Restricted use of the car parking area for staff and visitors.
 - The provision of fire hydrants to serve the development
 - Off-site highway works as set out in Drawing No 22224-03 Revision A
- 10.3 That planning permission is subject to the following conditions:

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

Plans

3135-HIA-ZZ-XX-DR-A-100 (Location Plan)
PL02 Revision E (Proposed Site Plan)
PL04 Revision C (Proposed First floor Plan)
PL05 Revision B (Second Floor Plan)
PL06 Revision D (Proposed Roof Plan)
PL07 Revision E (Proposed Elevations)
PL08 Revision E (Proposed Elevations)
PL09 Revision E (Sectional Details)
PL11 Revision C (Boundary Treatment Plan)
21007-50-01 Revision P5 (Below Ground Drainage Strategy)
21007-50-03 Revision P1 (Flood Routing Plan)
22224-01 Revision B (Visibility Splays)

22224-05 (Refuse Tracking Movements)

Documents

Arboricultural Impact Assessment by Advanced Arboriculture dated 7th December 2021

Drainage Strategy and Flood Risk Assessment Revision A (July 2022)

Ground Investigation Report by Applied Geology (October 2021)

Preliminary Ecological Appraisal Revision A by Griffin Ecology Ltd (April 2022)

Transport Assessment by David Tucker Associates (December 2021)

Transport Assessment Update by David Tucker Associates (October 2022)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No construction of the superstructure of the development shall take place until samples of the materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.**

These details shall include:

- **hard surfacing materials,**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **a scheme for the ecological improvement and management of the site,**
- **any exterior lighting works and**
- **minor artefacts and structures including bin stores, cycle stores and pergola and**

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

5. **No development shall take place until the tree protection measures have been provided fully in accordance with the Tree Protection Plan contained within the Arboriculture Impact Assessment by Advanced Arboriculture. The tree protection measures shall be kept in situ for the duration of the construction period and protected areas shall be kept free from the storage of construction materials or spoil.**

Reason: To ensure the adequate protection of trees and landscape features in accordance with Policies CS12, CS25 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan 1991-2011

6. **The development hereby approved shall be undertaken fully in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal Revision A by Griffin Ecology (April 2022) . The works shall be undertaken with the supervision of an appropriately qualified Ecological Clerk of Works (ECoW)**

Reason: To ensure the adequate protection of species and habitat in accordance with Policies CS25 and CS26 of the Core Strategy.

7. **The development hereby approved shall not be occupied until the arrangements for the access, parking and circulation have been provided in accordance with drawings PL02 Revision E (Proposed Site Plan) 22224-01 Revision B (Visibility Splays) and 22224-05 (Refuse Tracking Movements). The arrangements for the circulation and parking of vehicles shall thereafter be retained in accordance with the approved plans.**

Reason: In the interests of highway safety and to ensure that there is adequate space to enter and exit the site within a forward gear in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD.

8. **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**
 - a. **Construction vehicle numbers, type, routing;**
 - b. **Access arrangements to the site;**
 - c. **Traffic management requirements**
 - d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
 - e. **Siting and details of wheel washing facilities;**
 - f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
 - g. **Timing of construction activities (including delivery times and removal of waste);**
 - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**

Reason: In the interests of highways safety and amenity of neighbouring properties and in accordance with Policies CS8 and CS12 of the Core Strategy.

9. **Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved drawing number 22224-01 Revision B (Visibility Splays) The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10. **The development hereby approved shall not be occupied until a scheme for the installation of Electric Vehicle Charging Points and associated infrastructure has been submitted to and approved in writing by the local planning authority. The Electric Vehicle Charging points and associated infrastructure shall be provided**

prior to occupation and thereafter be retained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 11. No development above slab level shall be undertaken until a Sustainability Statement indicating how the development complies with Policies CS29, CS31 and CS32 of the Core Strategy, the Energy Efficiency and Conservation SPD and the Water Conservation SPD has been submitted to and approved in writing by the local planning authority. The development shall be undertaken fully in accordance with the approved details.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

- 12. The development hereby approved shall not be occupied until a scheme for the mitigation of residents against the noise from commercial premises has been submitted to and approved in writing by the local planning authority. The proposed noise mitigation measures shall be provided in accordance with the approved details prior to the occupation of effected residential rooms.**

Reason To ensure an adequate level of amenity for future occupants of the development in accordance with Policy CS12 of the Core Strategy.

- 13. The development hereby approved shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.**

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 14. No development above slab level shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Strategy and Flood Risk Assessment Revision A (July 2022) The development shall be carried out in accordance details.**

Reason: To ensure the adequate drainage of surface water on the site in order to mitigate the risk of flooding in accordance with Policies CS12 and CS31 of the Core Strategy.

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Town Council	<p>AMENDED PLANS</p> <p>The Council recommends that this application is refused on the following grounds:</p> <ul style="list-style-type: none"> - Over development - Inadequate parking spaces for visitors and staff - Sustainable Construction <p>Tring Town Council promotes sustainable buildings and recognises climate change so would like to see solar panels, ground source heating and more electric car charging points within the development</p> <ul style="list-style-type: none"> - Traffic and Access The road is currently very narrow and needs to be widened by at least 2 metres There has already been development on the road with Roman Park being built which will have increased traffic and then this development will increase it further. Currently a bus and another larger vehicle for instance a lorry cannot pass each other on the road. <p>The project should improve the pathway at the corner from Icknield Way onto Miswell Lane and provide a new 2 metre pavement on the development side of the road and a crossing to the other side of the road in line with current policies promoting walking & cycling. This would also create walking & cycling access to the industrial estate.</p> <p>ORIGINAL RESPONSE</p> <p>The Council recommend REFUSAL of this application on the grounds that there does not appear to be plans to widen Miswell Lane. The road would need to be widened right up to the junction with Icknield Way and in the other direction to Windmill Way to include pedestrian access. A condition should be added or an s106 Agreement entered</p>

	into to ensure that this takes place.
Hertfordshire County Council – Highways	<p>AMENDED PLANS (20.3.23)</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.</p> <p><u>Comments</u></p> <p>Amended plans have been submitted as part of the above planning application, including an updated site plan (PL02 rev.E), which includes details of an amended cycle store and bin location.</p> <p>HCC as Highway Authority would not have any objections to the amended plans. The recommended conditions and planning obligations as included in the Highway Authority's response dated 3/10/2022 are still valid.</p> <p>ADDITIONAL PLAN (6.12.22)</p> <p>The submitted swept path plan / tracking (drawing number 22224-05) is considered to be acceptable to illustrate that a refuse vehicle would be able to turn around on site and egress to the highway in forward in gear.</p> <p>AMENDED PLANS (3.10.22)</p> <p>Amended proposals were submitted in September 2022.</p> <p>Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.</p> <p><u>Recommendation</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <p><input type="checkbox"/> Swept path analysis / tracking plan to illustrate that a refuse vehicle (with a length of at least 10m) would be able to utilise the amended access and site layout, turn around and egress to the highway in forward gear.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>

2. A. Highway/ Access Works (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:

- o Works to create the bellmouth entrance.
- o Works to create the pedestrian crossing point with pedestrian dropped kerbs and tactile paving on either side of Miswell Lane.

B. Highway / Access Works (Implementation / Construction)

Prior to the first occupation /use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Provision of Visibility Splays

Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved drawing number PL11 B. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

HCC recommends inclusion of the following highway informatives / advisory notes to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway:

Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

or by telephoning 0300 1234047.

Planning Obligation

AN) Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan

including any engagement that may be needed.

Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing travelplans@hertfordshire.gov.uk

Comments / Analysis

The amended application comprises of the construction of an 72-bed care home and associated works on land at Miswell Lane Tring. Miswell Lane is designated as an unclassified local access road, subject to a speed limit of 20mph and is highway maintainable at public expense.

Vehicle Access

There is no existing vehicle access into the site. The proposals include the provision of a new formalised bellmouth access from Miswell Lane leading to a 6m wide access road, parking and turning areas, the amended details of which are shown on submitted drawing no. PL11 B. The access road is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide and Manual for Streets (MfS). Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas.

HCC as Highway Authority would not have any objection to the location of the access point with available vehicular to vehicular visibility splays in accordance with guidance as outlined in Roads in Hertfordshire: Highway Design Guide and MfS and considered to be acceptable when taking into consideration the speed limit of the road and recorded speeds as laid out in the previous TA.

Pedestrian Access

There is an existing highway pedestrian footway on the north-east side of Miswell Lane although no pedestrian footway on the south-west side of Miswell Lane (the side of the application site). The proposals include a crossing point with pedestrian dropped kerbs and tactile paving on either side which then leads to a footpath running into the care home site, the details of which are indicated on drawing number PL11B. The location of the crossing point is considered to be acceptable with a sufficient level of pedestrian to vehicle visibility in either direction. Whilst it was recommended at pre-app stage that a stretch of footway was provided fronting the property, there would not be sufficient grounds to recommend refusal for the current proposals when taking into consideration the proposed pedestrian crossing point, which would provide a means to cross onto the existing

pedestrian footway and subsequently the wider footway network.

Section 278 Highway Works

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- o Works to create the bellmouth entrance, with a kerb radii of 6m on either side.
- o Works to create the pedestrian crossing point with pedestrian dropped kerbs and tactile paving on either side of Miswell Lane.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives.

Refuse & Service Vehicle Access

The proposals include a delivery bay and turning area, which would be necessary to ensure that all vehicles using the site would need to be able to easily and safely turn around on site and egress in forward gear to the highway. Whilst a swept path analysis / tracking for a refuse vehicle (drawing no.22224-02 A) was submitted as part of the original TA/ to illustrate that a refuse vehicle would be able to access the site, turn around and egress to Miswell Lane in forward gear, it does not appear that this has been updated to reflect the amended layout. In the interest of robustness it is therefore recommended that a swept-path analysis / tracking plan for a 10m long refuse vehicles is submitted and approved to illustrate use of the amended layout.

Normally, provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling. The current proposals do not demonstrate this although it is acknowledged that the arrangements are for a care home rather than individual dwellings and therefore the Highway Authority would not have any particular objections in this respect. Nevertheless, the provisions and collection method would need confirmed as acceptable by DBC waste management.

Following consideration of the size of the building / number of rooms, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Trip Generation

The expected trip generation for the proposed development was included as part of the submitted TA using a TRICS assessment. Following consideration of the anticipated number of vehicle trips of 10

two-way trips in the AM peak; 7 two-way trips in the PM peak and 155 two-way trips over a 12-hour period, the trip generation and any associated impacts would not be considered severe or significant enough to recommend refusal from a highways perspective. Following consideration that the amended plans submitted in Sep 2022 reduce the overall number of beds, there would not be considered to any further concerns in this respect.

Vehicle Parking

The proposals include the provision of 26 parking spaces in addition to 1 ambulance and 1 delivery bay. HCC as Highway Authority would not have any particular objection to the proposed level of parking. However it is noted that the levels are lower than those as outlined in Dacorum Borough Council (DBC)'s Parking Standards Supplementary Planning Document (PSSPD), 2020 and therefore DBC as the parking and planning authority would ultimately need to be satisfied with the level and type of parking for residents, visitors and employees of the site.

The dimensions and layout of the parking spaces and manoeuvring areas are considered to be acceptable by HCC as Highway Authority and in accordance with MfS (Sections 8.3.48 to 8.3.54).

The proposals include the provision of five car parking spaces with electric vehicle charging (EVCP). Provision, which HCC as Highway Authority would be supportive of to promote and provide development in accordance with Hertfordshire's Local Transport Plan (LTP4), Policy 5h. The Highway Authority would however recommend that all other car parking spaces are provided with passive EVC provision to accord with DBC's Parking Standards Supplementary Planning Document (PSSPD) 2020 and ensure adequate infrastructure for any future increase in demand for EVC provision.

Planning Obligations

DBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.

For a development of this size, a Travel Plan (TP) consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for occupiers, employees and visitors to the development in accordance with the provisions of Hertfordshire County Council's Travel Plan Guidance would be required. The Travel Plan would be subject to an 'evaluation and support contribution' totalling £6,000 (index linked by RPI to 2014), received via a Section 106 planning obligation and payable before first use of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. For further guidance and details, please refer to

www.hertfordshire.gov.uk/services/highways-roads-and-

	<p>pavements/business-and-developer-information/development-management/highways-development-management.aspx</p> <p>or contact the travel plan team at travelplans@hertfordshire.gov.uk .</p> <p><i>Drainage / SUDs</i></p> <p>The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: FRMconsultations@hertfordshire.gov.uk</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the access to the site and the footway works. Therefore HCC has no specific objections on highway grounds to the outline application, subject to the inclusion of the above planning conditions, obligations and informatives.</p>
Hertfordshire County Council – Fire and Rescue Service	<p>This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use at all times.</p>
Hertfordshire County Council – Lead Local Flood Authority	<p>AMENDED COMMENTS (21.3.23)</p> <p>The LLFA has reviewed the additional information that was submitted in response to our previous letter dated 10th February 2023. The LLFA maintains our objection to this planning application for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping, and associated works. We wish to make the following comments.</p> <p>The LLFA has reviewed the information against our previous response (dated 6th January 2023). The LLFA confirms the applicant has now addressed our point regarding the finished floor levels for the ground floor of the proposed building and the finished ground levels of the land surrounding the building within the development site, providing a freeboard of 150mm. However, the applicant has not provided any information regarding point 1. While we appreciate the applicant has attempted to address points 2 and 3, they have not provided enough information to satisfy the LLFA.</p> <p>For the LLFA to consider overturning our objection, we still require the following information.</p>

1. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA request clarification on how the 59m² was calculated.

2. The LLFA is yet to receive information or evidence from the applicant there is at least a 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures based on the high susceptibility to groundwater flooding in the area.

We appreciate that the applicant submitted a Groundsure Location Intelligence document relating to groundwater flooding, the LLFA requires the applicant to provide site-specific evidence through ground investigation to detail that testing was carried out and if water was struck, at what depth.

3. Having reviewed the latest drainage strategy, the LLFA notes there appears to be no connection for surface water drainage to the sewer system on Miswell Lane. Please can the applicant confirm that all surface water runoff is being discharged to ground onsite and there will be no surface water discharge into the sewer on Miswell Lane

The LLFA acknowledges receipt of the ground levels and finished floor levels in relation to the minor flooding at Manholes S1, S16, and S17 during the 15-minute summer event. The latest drainage strategy shows a finished floor level within the building of 156.750m, and the external finished ground level for all three manholes of 156.60m. The LLFA observes the applicant has demonstrated there is a 150mm freeboard. Therefore, the applicant has complied with the LLFA's information request.

Based on this lack of information relating to the points addressed above, the LLFA maintains our objection to the approval of the planning application 21/04769/MFA at this time.

Informative: At this time on this application the LLFA will accept the use of FEH2013. However, in December 2022 it was announced FEH rainfall data has been updated to account for additional long-term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design have changed. In some areas, there is a reduction in comparison to FEH2013, and in some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up-to-date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at an advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt, the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022, and therefore, use in rainfall simulations is not accepted.

Please note if the LPA decides to grant planning permission, we wish to be notified for our records.

AMENDED COMMENTS (13.2.23)

The LLFA has reviewed the additional information for the revised Drainage Calculations that was submitted on 6 February 2023. The LLFA maintains our objection to this planning application for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping, and associated works.

We wish to make the following comments.

The LLFA has reviewed the information against our previous response (dated 6th January 2023). The LLFA confirms the applicant has now addressed our point regarding the additional storage volume of 20m³/ha and has altered the calculations to show an additional storage volume of 0m³/ha. However, the applicant has not provided any further evidence on the following points:

1. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA request clarification on how the 59m² was calculated.
2. The LLFA is yet to receive information or evidence from the applicant there is at least a 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures based on the high susceptibility to groundwater flooding in the area.
3. Furthermore, the LLFA has not received a written “agreement in principle” from Thames Water to the applicant for discharging water into the adjacent sewer on Miswell Lane

Upon reviewing the Drainage Calculations, the LLFA has also noticed that within the 1 in 100 year plus 40% climate change for the critical storm duration, there is notification of flooding at Manholes S1, S16, and S17 during the 15-minute summer event. The LLFA requires the applicant to either resolve this issue or demonstrate that there is no risk of the water inundation or water inhibiting safe access and egress to the building. Therefore, the LLFA requires the applicant to provide the following information:

- Finished floor levels for the ground floor of the proposed building
- Finished ground levels of the land surrounding the building within the development site.

Based on this lack of information relating to the points addressed above, the LLFA maintains our objection to the approval of the planning application 21/04769/MFA at this time.

Informative: At this time on this application the LLFA will accept the use of FEH2013. However, in December 2022 it was announced FEH rainfall data has been updated to account for additional long-term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design have changed. In some areas, there is a reduction in comparison to FEH2013, and in some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed,

should use the most up-to-date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to the 1st April 2023. This includes those applications that are currently at an advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt, the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022, and therefore, use in rainfall simulations is not accepted.

Please note if the LPA decides to grant planning permission, we wish to be notified for our records.

AMENDED COMMENTS (09.01.23)

The LLFA has reviewed the revised Drainage Calculations submitted on the 23rd December 2022. The LLFA maintains our objections to this planning application.

The LLFA has reviewed the information against our previous response. The LLFA confirms that the applicants have addressed points 1, 2 and 4 as the LLFA is satisfied that the applicant has provided evidence to demonstrate that

- Updated their calculations providing the 2, 10, 30 and 100 year return periods within the correct climate change allowances attached to the 30 and 100 year periods,
- Updated the rainfall methodology applied to the calculations using FEH2013
- Updated the factor of safety to 10 based on CIRIA SuDS Manual C753 for both storage structures

Whilst the LLFA appreciates the applicant has provided a full set of hydraulic calculations to demonstrate the impact on the whole network to ensure that the development discharge rates do not exceed the agreed rates. The LLFA notes the applicant has two further concerns to address:

1) With the updated full network calculations an additional storage volume of 20 m³/ha has been included. The LLFA is concerned that this additional volume is not represented in the proposed design and provides additional storage where none is included. These calculations should be revised to show an additional storage value of 0 is included.

2. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA requests clarification on how the 59m² was calculated.

The LLFA is yet to receive information from the applicant that there is at least 1.2m between the seasonally high groundwater level and the base of the proposed infiltration system based on the areas high susceptibility to groundwater flooding.

Furthermore the LLFA has not received a written agreement in principle from Thames Water to the applicants to discharge water into

the adjacent sewer on Miswell Lane.

ORIGINAL COMMENTS (02.12.22)

The Full Planning application for a major development was submitted for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.

Based on the information that has been provided in support of the application (21/04769/MFA), the LLFA objects to the approval of the application due to the lack of appropriate up-to-date supportive information. The incomplete or inappropriate information applied includes:

- A full set of up-to-date calculations with the updated climate change allowances.
- A full set of hydrology calculations using FEH2013.
- A full set of hydraulic network design calculations.
- An updated factor of safety applied to the infiltration structures on the proposed development.
- Evidence confirming there will be at least 1.2m between the seasonal high groundwater level and the base of the infiltration structures.
- Evidence confirming either the approval or the “agreement in principle” from Thames Water to discharge their sewer network.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169, and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider removing our objection if the following issues are adequately addressed.

1. The applicant must provide a full set of calculations using the latest climate change allowances. For this catchment, the climate change allowance that applies is a 35% allowance for the 1 in 30-year event and a 40% allowance for the 1 in 100-year event. Both of these rates are at the upper end of the allowance.

2. While the applicant has provided a full set of calculations, we require all calculations to be completed using the FEH2013 hydrology method and undertaken more recently than October 2021 as there have since been significant changes regarding the surface water drainage requirements since October 2021.

3. The LLFA requires a full set of hydraulic calculations that demonstrate the impact on the whole network to ensure that the discharge rates do not exceed the agreed rates.

4. The applicant has used a factor of safety score of 2 for the calculations. In accordance with the SuDS Manual (Table 25.2), the

	<p>LLFA considers the current factor of safety score needs to be higher for infiltration structures in accordance with the nature and use of the proposed development. Based on the Ciria SuDS Manual C753 (Table 25.2), a factor of safety score of 10 is required rather than 2. Therefore, the LLFA expects that all hydraulic calculations for infiltration structures and the associated networks must be updated by the applicant.</p> <p>5. In section 2.3 of the Flood Risk Assessment, produced by Baker Hall Ltd, it is stated that “Groundwater was not present in any of the trail pits or deeper boreholes”. The LLFA has reviewed the maps produced by Hertfordshire Council that show the area susceptibility to groundwater flooding</p> <p>https://www.hertfordshire.gov.uk/medialibrary/documents/waste/mwlp/core-document-library/primary-evidence/pe-08-strategic-flood-risk-assessment-jul-2022.pdf).</p> <p>The location of the site is in an area of high susceptibility to groundwater flooding. The LLFA requires further assessment of groundwater flood risk and confirmation that there will be at least 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures. Further ground investigation is likely to be required to provide suitable evidence to demonstrate this.</p> <p>6. The LLFA requires written “agreement in principle” with Thames Water for discharging water into the adjacent sewer on Miswell Lane at the specified rate.</p> <p>For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage</p> <p>https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</p> <p>This link also includes Hertfordshire County Council’s policies on SuDS in Hertfordshire.</p> <p>Please note if you the Local Planning Authority review the application and decide to grant planning permission, you should notify us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk</p>
<p>Hertfordshire County Council Growth & Infrastructure</p>	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p>

	<p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p>
<p>Conservation and Design</p>	<p>AMENDED PLANS</p> <p>From review of the section through to the windmill the height of the building would be seen within the context. This may not cause harm to the significance of the windmill as a landmark structure but highlights the necessity to use red clay tiles to ensure that the windmill remains a more prominent item within the roofscapes of this area of Tring. We would therefore recommend that there is no requirement to undertaking the balancing exercise as the impact on the significance of the listed building is considered to be nominal.</p> <p>Following ongoing design discussions we believe that the proposal has come to a solution where we would not object to the proposals as they would not harm the character or appearance of the area and are appropriate design wise.</p> <p>Recommendation No objection. External materials, hard and soft landscaping and details subject to approval.</p> <p>AMENDED PLANS</p> <p>The existing site is a field and to the road is a large boundary hedge. Opposite the site are a number of bungalows which date from the second half of the 20th century. To the south of the site the semi-detached dwellings on the opposite side of the road appear to date from the inter war period. To the south is post war development with a substantial set back from the road. These are of 1 ½ to 2 stories. To the north is a collection of mainly modern buildings at Morning Side Farm and to the west large sheds of the industrial estate. Of particular interest nearby is the windmill which is visually prominent within the skyline of Tring due to both its height and position on the ridge above the historic town centre of Tring. This is a grade II listed building which has now been converted into a dwelling.</p> <p>From review of the section through to the windmill the height of the building would be seen within the context. This may not cause harm to the significance of the windmill as a landmark structure but highlights the necessity to use red clay tiles to ensure that the windmill remains a more prominent item within the roofscapes of this area of Tring.</p> <p>The proposals have been amended with regards to the U shaped element pulling forward the central section to allow a more useable space to the rear. As such we believe that this element of the scheme</p>

	<p>would be acceptable. In general the landscaping would be acceptable but it would be recommended that the bin store be moved perhaps to the location of the cycle store as at present the view down the corridor would be of the bin doors which would not create an appealing environment. The cycle store could perhaps move to the south end of the parking area or become intergral with the bin store by rotating through 90 degrees. Landscaping would need to be amended as a result.</p> <p>With regards to the elevations we would recommend that the following be considered. As previously noted the brick needs to be a dark red/ orange colour to reflect the character of Tring and the wider area of Dacorum. This would provide a local reference within the materials and help the building relate better to the context. In order to break up the large areas of brick within the gable it would be recommended that a window be introduced at the landing between the ground and the first floor. This would provide an additional benefit of providing natural light to the stairs. It would also be useful to consider some additional We would also recommend that additional areas to the north east gables currently shown as render facing the road have tile hanging at first floor/ the gable to ensure that they sit comfortably with the character of the area. To add visual interest within the elevations the windows should be set in rather than flush to help create shadow lines.</p> <p>Recommendation Overall we believe that the proposals have moved forward but the above should be addressed.</p>
Environmental Health	<p>Following consideration of the Noise Management Plan/Impact Assessment we are happy with the assessment but request that the mitigation methods outlined and proposed in the assessment (orientation, glazing, ventilation etc) is conditioned to ensure that the development adheres to the methodology proposed.</p> <p>We would ask that the below informative comments are also included.</p> <p><u>Working Hours Informative</u></p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p>

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds – Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at

	https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants
Trees and Woodlands	The agent has identified T3-T7 which require removal to facilitate the development. These are young/semi mature trees and their loss will not impact on the area significantly. The agent has also indicated the losses will be mitigated by additional planting but there is no further information. Has the applicant submitted a planting scheme? If not then this could be conditioned.
Hertfordshire Constabulary – Secure by Design Officer	I am content that security and crime prevention have been considered for this application as detailed in the Design and Access statement.
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>NO OBJECTION – SUBJECT TO APPROPRIATE MITIGATION</p> <p>We consider that without appropriate mitigation the application could:</p> <ul style="list-style-type: none"> - Have an adverse effect on the integrity of the Chilterns Beechwoods Special Area of Conservation - Damage or destroy the interest features for which Ashridge Commons and Woods Site of Special Scientific Interest has been notified. <p>In order to mitigate these adverse effects and make the development acceptable the following mitigation measures are required or the following mitigation options should be secured.</p> <ul style="list-style-type: none"> - The use of the property is restricted to C2 (Nursing Care Home) - The Care Home shall not be occupied other than by persons of limited mobility who require full time nursing care and/or those who require high dependency dementia care, - No residential staff accommodation will be provided on site, - Car parking will be restricted exclusively to staff and visitors - A covenant will prevent the keeping of pets on the premises (with the exception of assisted living dogs) <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below:</p> <p>Further advice on mitigations.</p> <p>As submitted, the application could have potential significant effects on the Ashridge Commons and Woods Site of Special Scientific</p>

	<p>Interest (SSSI) which forms part of the Chilterns Beechwoods Special Area of Conservation (SAC) Natural England advises that mitigation measures are required for the proposed development to avoid impacts upon the integrity of these designated sites and to bring this development in line with policy and relevant case law.</p> <p>In order to mitigate the adverse effects and make development acceptable the following mitigation measures are required for the care home:</p> <ul style="list-style-type: none"> - The use of the property is restricted to C2 (Nursing Care Home) - The Care home shall not be occupied other than by persons of limited mobility who require full time nursing care and/or those who require high dependency dementia care. Persons of limited mobility shall be defined as persons whose physical condition prevents them walking beyond 400m. Such a physical condition shall be first verified by the Care Home Operator by means of a referral from a GP prior to the occupation of the care home by any potential resident - No staff accommodation shall be provided on site - Car parking shall be restricted to staff and visitors - A covenant shall prevent the keeping of pets on the premises (with the exception of assisted living dogs) <p>We advise that conditions or legal obligations are attached to any permission granted to secure the above measures</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (As Amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must allow a further period of 21 days before the operation can commence.</p> <p>Advice on the consideration of protected species and other natural environmental issues is included at Annex A,</p>
<p>East of England Ambulance Service</p>	<p>Further to a review of the application details the following comments are made in regard to the provision of ambulance services and are in addition to the response from Hertsmere [sic Herts Valley] CCG</p> <p>Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site</p> <p>Any new care home requires assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location as well as the need to increase the number of ambulances and medical equipment to manage increased number of incidents to the growing population in order to maintain mandated ambulance response times and treatment outcomes.</p>

The proposed development will put increasing pressure and demand on EEAST providing service nationally set response times for accident and emergency services around the geographical area associated with the application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

Non-emergency patient transport services are commissioned by Herts Valleys CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

The age profile is important for EEAST as well as the CCG, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resources. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates the residents 65+ account for 1/3 (35%) of Category 1 ambulance activity and 52% of all activity.

EEAST would request planning permission for this care home is not granted unless the following are provided as part of the S106/CIL agreement:

- a) At least one emergency lifting devices within a preference for one per floor. These inflating devices are designed to lift the frailest individual up to a bariatric patient from the floor in a safe and dignified manner minimising the risk of injury to both the fallen individual and the person lifting them. This device will enable car home staff to aid uninjured residents back into their chair/bed are thereby reduce the number of attendances from the ambulance service.
- b) At least one Automated External Defibrillator should be installed with a preference of one per floor provided.

The measures identified above are in addition to any S106/CIL funding.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision.

The change of use from agricultural land to care home will impact on emergency ambulance services due to the high level of emergency ambulance and patient transport activity generated.

EEAST are in a unique position that intersects health, transport and community safety and does not have the capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

The population likely to be generated from the proposed development has been calculated and the capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £8,100

EEAST therefore requests that this sum be secured through a planning obligation linked to the grant of planning permission.

Review of the Planning Application

The Flood Risk Assessment indicates the sites are in Flood Zone 1 at low risk of flooding. The impact of flooding significantly affects resident's physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.

EEAST also supports appropriate use of living green roofs to support reducing the potential for localised flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed.

EEAST would welcome the potential for a community garden and seating in open space areas to support resident's physical and mental health and well-being.

EEAST would request parking space for at least one emergency ambulance and one patient transport vehicle is provided (10.6m in length and 4m in width per space) ideally with 2 EV charging points per space suitable for ambulance vehicles.

Where lifts are to be installed EEAST would request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel alongside the stretcher (a minimum internal of 2.6m x 1.6m is required)

Transport, Design and Access Assessment of Development Impact on Healthcare Provision

EEAST notes the Transport Statement identifies 5 personal injury accidents (PIA's) recorded within the last 5 year period affecting the area of Miswell Lane with 4 of the 5 collisions recorded as 'slight in severity and one serious incident.

It should be noted that EEAST as a blue light emergency service would request the developer support the Vision Zero/Safe System approach to designing out road accidents for vehicle occupants, motorcyclists, bicyclist and pedestrians by utilising clear lines of sight and use of appropriate street/road lighting whilst also minimising the impact of artificial light.

Conclusions

In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional emergency and non-emergency healthcare provision to mitigate

	<p>impacts arising from this development and other proposed developments in the local area.</p> <p>The capital required through developer contributions would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.</p> <p>EEAST look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.</p>
<p>Herts Valleys Clinical Commissioning Group</p>	<p>In line with our previous requests (ref: 20/02021/MFA; 20/02052/MFA; 20/02159/OUT) we would like to request that a 10% provision is made in all three cases for health and social care funded patients.</p> <p>If this allocation is not taken up by HVCCG within a specified time period (to be determined) then beds can be returned to private patients.</p> <p>In addition to this, there will be an impact on local GP services (despite an on-site health facility, residents will be registered with a GP and use NHS services) and we would like to request that a contribution is secured towards increasing the capacity of GP services in the vicinity of each care home.</p> <p>We have adapted our standard formula to reflect the fact that these will be single occupancy units and that patients are not always seen at the surgery, thus reducing the impact even further – for simplicity, we have presumed 50%.</p> <p>For comparison, HVCCG standard formula for calculating the impact on Primary Care/ GP services:</p> <p>80 units x 2.4 (average occupancy rate) = 192 new patients 192/ 2,000 = 0.096 GP (based on ratio of 2,000 patients per 1 GP and 199m2 space requirement as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”) 0.096 x 199m2 = 19.104 m2 additional space required 19.104 x £5,410 (build costs including land, fit out and fees) = £103,352.64 £103,352.64/ 80 = £1,291.908 ~ £1,291 per dwelling</p> <p>Revised formula to reflect the single occupancy and 50% impact on GP services:</p> <p>80 units = 80 new patients 80/ 2,000 = 0.04 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”) 0.04 x 199m2 = 7.96m2 Given circa 50% impact, this can be reduced to 3.98m2 additional space 3.98 x £5,410 (build costs including land, fit out and fees) = £21,531.80 £21,531.80/ 80 = £269.1475 ~ £269 per unit</p>

	<p>In light of the above, I would also like to request that a contribution of £269 per unit is made towards the GP services provision in the vicinity of this development.</p>
<p>Hertfordshire and Middlesex Wildlife Trust</p>	<p>Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines.</p> <p>This is a preliminary ecological appraisal or PEA. A preliminary survey is not appropriate to support a full or outline planning application. The CIEEM guidelines on PEA state:</p> <p>'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'</p> <p>This is the case in this application because net gain has not been demonstrated, mitigation has not definitively stated and so the LPA cannot assess the application properly.</p> <p>NPPF states: 174. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity.</p> <p>In order to objectively claim that the development delivers net gain, it should employ the Natural England Biodiversity Metric.</p> <p>This is the most objective way of assessing net gain on a habitat basis. It assesses ecological value pre and post development and has been endorsed through the passing of the Environment Act.</p> <p>The baseline score plus 10% must be exceeded by the proposal to claim net gain. If the site is incapable of achieving this score on site then offsite compensation must be provided. A biodiversity offset, or an agreement to provide one, must be provided for the requisite amount. All habitats both present and future must be fully described in accordance with the technical guidance that accompanies the metric to demonstrate that net gain can be achieved and how. The full metric in its excel form should be supplied to enable verification.</p> <p>BS 42020 states: '8.1 Making decisions based on adequate information The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:</p> <p>h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'</p> <p>The ecological report does not do this. It does not provide a clear, objective indication of losses and gains by reference to the metric. The application should not be approved until it does so.</p> <p>A suggestion is made in the report for free hanging bat boxes. This is not a permanent provision and is open to damage, vandalism or theft.</p>

	<p>Bat and bird boxes are recommended but integrated into the building. A condition should be applied to secure this i.e.:</p> <p>Condition: Development shall not proceed until a plan showing the model and location plan for installing 5 integrated bat boxes and 5 integrated swift boxes has been approved by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.</p> <p>Reason: To conserve and enhance biodiversity in accordance with NPPF</p>
Thames Water	<p>Waste Comments</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.</p> <p>No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.</p> <p>Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p>

	<p>Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p> <p>The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Morningside Farm	<p>I wish to comment in support of this application.</p> <p>Over a period of at least 10 years I have had a close association with Morningside Farm and have watched its progression through the generations.</p> <p>My stance on the application is that its approval is one of the best possible outcomes for the land, the neighbours and the Local Authority. As the land is classified for development in the local plan several possibilities have been discussed. Initially the classification was industrial use, which would extend the existing adjacent development into close proximity of the residential dwellings, potentially causing disturbance greatly in excess than that of the current proposal. Another potential utilisation was for residential accommodation, however the required density to reach the LPA's target of 24 units was very intense and would of course of have to have included some affordable housing. Again this may not have been the most acceptable solution for local residents.</p>

	<p>It seems to me that the proposal not only accords well with the local plan and the NPPF, fulfilling the essential strands of sustainable development, but is also robust in supporting the policies and goals of the DC.</p> <p>Whilst writing I note that local objections have been made against the application. As stated above, I feel that it is possible in raising those objections, the alternatives have not been fully considered. I also note that most of the objections cover issues such as highways and the need for care home provision. These items and others are well covered in the supporting statement for the proposal and other documents, which I feel, may not have been fully understood in advance of the objection being made. I am aware that the design and layout etc. have been the subject of pre-application advice with the LPA and the proposal has been refined accordingly.</p> <p>I feel that this is a really good scheme / outcome for the site which has the potential to enhance the area and the local community by providing much needed care home places and associated facilities which will be shared with the wider community as deemed appropriate.</p> <p>In short, to me, a prompt approval would seem to be appropriate in this instance.</p>
12 Chapel Meadow	<p>I am writing in relation to this application and to query there is a need for an additional care home in the town of Tring. I am very conscious of the acute need for housing especially affordable for local residents. Can you please confirm whether a needs assessment has been completed, demonstrating that there is a need for this large elderly care home development in Tring.</p>
65 Longfield Road	<p>In general this is a very thorough and well-thought-out proposal. The applicants no doubt know and understand their market and it would appear that it meets a need. Whether the need calls for quite so many units, with the attendant traffic implications, is open to question. The current plan zones the land for industrial use; I have concerns that if this proposal goes ahead, and if the new local plan zones the land west of the Industrial Estate for housing also, any opportunity to enlarge this established industrial estate will be lost, and with it the future employment opportunities it represents.</p> <p>If the hedgerow on the boundary with Miswell Lane is lost, it will detract from the semi-rural nature of the top of Miswell Lane. If the hedgerow alongside Morningside Farm is retained, a curious and unsatisfactory appearance will result.</p> <p>The applicants, in seeking to pitch the design in accordance with local precedent, have confused the work of known architects with the concept of 'vernacular'. Out of seven examples shown, five are by William Huckvale, one is by Walter Lyon and only one is genuinely vernacular. To throw Voysey and Lutyens into the mix is frankly absurd.</p> <p>The proposed design is by no means unattractive and it is quite proper</p>

	<p>that it should have its back to the adjacent factory units. If the applicants value the appearance of local brick, they should specify it, and reduce the environmental impact of transporting bricks from elsewhere which won't match it anyway. The applicants should also commit to the installation of PV panels rather than merely consider it.</p> <p>The land shown as Green Belt is also in the Chilterns Area of Outstanding Natural Beauty. Whilst the site is not so designated, , this ought to be one of the design considerations</p>
104 Miswell Lane	<p>ORIGINAL COMMENTS</p> <p>Further to our recent email correspondence, I am writing on behalf of my husband and I who live at 104 Miswell Lane, approximately 130m from the application site.</p> <p>We wish to raise a number of concerns with the application which I deal with in turn below. Notwithstanding our concerns with the principle of a nursing home in this location, resulting in a loss of land for market and affordable housing, we have fundamental concerns about height, bulk and highway safety, which must be addressed even if the Council is content with the principle of the use.</p> <p>Further detail is provided below:</p> <ul style="list-style-type: none"> • Principle of use – the Site Allocations DPD (2017) allocates the site for housing and identifies an approximate capacity of 24 homes. This would provide 8-9 affordable homes. Whether this level would be feasible on the site would depend on detailed design, but such housing sites are rare in Tring, and it would provide a valuable contribution towards the supply of housing and affordable housing. Dacorum’s 19/20 Annual Monitoring Report showed that the Council is not able to show a 5 year housing supply. The delivery of housing must therefore be prioritised. Although it is recognised that Planning Practice Guidance states that care homes can be included in housing targets, on the basis that people moving into care homes allows the release of their existing home to the market, this would not provide affordable homes for the local area, as would be the case if market housing was being provided. The lack of provision of affordable housing would therefore be contrary to Core Strategy Policy CS18. • Width of Miswell Lane – we are concerned about the highway safety implications of vehicles pulling out into a section of the road where cars often have to wait to allow another car to pass, due to Miswell Lane being effectively single carriageway at this point, with bollards on the opposite side of Miswell Lane to prevent vehicles mounting the footway. I spoke to the developers prior to the submission of the application, and they said that they had allowed space for road-widening to happen, but this is not included in their application. I think it is fundamental that the land to allow road widening should be given to the highways department and that this should be secured through S278 and S106 so that it is carried out as part of the development, and in place before it is occupied. Otherwise, it will simply not happen. Without this land being secured and the road widening being carried out, we would have serious concerns relating to highway safety of

vehicles having to reverse out further down Miswell Lane, or out onto Icknield Way, to allow a vehicle to come out of the site access. Clearly this already happens with the limited properties at the top of Miswell Lane, but this is only a few driveways, which is very different from an 80-bedroom residential home with 36 car parking spaces. If the road widening is not secured through the development, the proposal would be contrary to Policy CS8 (criteria (f) improving road safety) and CS9 Management of Roads, which requires that traffic generated by new development be compatible with the location, design and capacity of current and future operation of the road hierarchy. It is also contrary to Policy CS12 in that it does not maintain a safe and satisfactory means of access for all users.

- Bulk and massing of development does not respect character and appearance of this part of Miswell Lane – the houses in this location are generally 1.5-2 storeys, although there are some single-storey bungalows immediately opposite the development site. Despite the drawings showing a 3 storey building, the building proposed is a height of 14.5m to the main ridge line (height clarified by the planning officer) which is the equivalent of 4-5 domestic storeys¹ – there are no buildings of this size along Miswell Lane. The appearance of bulk is not helped by this being a single, large building. It would be more appropriate for the building to be a storey lower and broken up further to be consistent with the street scene in this location. Although the rear of the site backs onto the industrial park – this is not the prevailing character of Miswell Lane, which is entirely domestic in nature, other than the small parade of shops at the opposite end, some distance away. The scheme as currently proposed is contrary to Policy CS11 in that it does not respect the typical density intended in an area or preserve the current streetscape. It is also contrary to Policy CS12 in that it does not integrate with the streetscape character and does not respect adjoining properties in terms of layout, height, scale or bulk.

- Biodiversity net gain and Tree Planting – in line with the Environment Bill, we consider that the proposals should be showing biodiversity net gain of at least 10%. Whilst the scheme includes some attractive landscaping, as the site is currently grassland, we consider that the applicant should be demonstrating how this is being delivered and provide a calculation of biodiversity net gain. Without this being demonstrated, the development would be contrary to Policy CS26 in that it will not contribute towards the conservation and restoration of habitats and species or strengthening biodiversity corridors. The application also fails to demonstrate how the tree planting requirements (1 new tree per dwelling/ or 100sqm of floorspace) of Policy CS29 have been met.

- Energy and Sustainability – the applicant is suggesting that this be covered by condition. This is not considered sufficient given the importance of renewable technologies in meeting net zero. We consider that this should be an intrinsic part of the design and not an afterthought. The proposal is therefore currently contrary to Policy CS29 in that it does not provide a plan to minimise carbon emissions, it doesn't demonstrate how energy efficiency performance is maximised, it doesn't incorporate measures to positively support 1 A

	<p>standard domestic floor to ceiling height is typically 2.4m. Including an allowance for utilities etc. this height is closer to 4-5 domestic storeys. wildlife and it does not demonstrate how the on-site energy demands of the development will be met.</p> <p>I would be grateful if these comments could be taken into account and ideally that the applicant be asked to amend their proposals to address them and deliver a development more in keeping with the residential character of Miswell Lane</p>
105 Miswell Lane	<p>ORIGINAL PLANS</p> <p>I strongly object to this plan for the following reasons;</p> <p>1) Overdevelopment - we have had to put up with our fair share of development (and associated disruption) on this side of Tring with the building of circa 400 houses within LA5 (still ongoing) plus independent projects. I do not think it fair that we may now have to put up the development of this site which is extremely large</p> <p>2) Necessity - there is already a care home in the vicinity (St Josephs) which is pretty much at the end of Miswell Lane on Western Road. There is no need to have another so close</p> <p>3) Access and Traffic - Miswell Lane is already a rat run for people cutting through which has increased since the development of LA5. The top of Miswell Lane is exceptionally narrow and I am seriously concerned about the increased traffic caused by;</p> <p>a) the building process - a single house being built opposite my property is constantly have supplies dropped off with the builders cars strewn all over the street. I am afraid to imagine how much traffic will be caused by this sizeable development and the amount / size of the vehicles (e.g. cement mixers) using a small residential road</p> <p>b) post development - I am also concerned by the ongoing traffic expected (once in use) caused by family / friends of the 85 residents that will be visiting, the 65 shift workers that they plan to employ, the volume of support vehicles required to deliver food, take waste, clean and maintain, provide emergency medical assistance etc.</p> <p>(By the way the answer to the Traffic issue is not speed bumps - the volume is the primary concern).</p> <p>5) The design of the building is ugly. Miswell Lane is made up mostly of houses built in the early to mid 20th century. This proposed building is not in keeping with the look and feel of the neighbourhood.</p>
128 Miswell Lane	<p>AMENDED PLANS</p> <p>The proposed access issues have still not been addressed along with parking for residents and staff. Miswell Lane is not wide enough for access and increased traffic will cause further safety issues on an already narrow part of the road. Buses already mount the pavement and the 20mph speed limit is not obeyed</p>

	<p>ORIGINAL COMMENTS</p> <p>I notice application had 36 parking spaces which is inadequate for 80 residents and 70 staff what provisions are made for this. The plans also state Miswell Lane has a 30mph speed limit which is incorrect as the limit is 20mph. Miswell lane where the proposed access is, is very narrow and already subject to vehicles driving on the pavement outside my property. Consideration should be given to access via Icknield Way as that road is more suited to access , the only way possible to use Miswell lane would be to widen the road substantially or make the road one way</p> <p>Whilst I accept the need for a care home I feel the siting of this is wrong and inadequate thought has been made to the local access arrangements</p>
132 Miswell Lane	<p>My family and I will be severely impacted by this development. We spent a long time searching for the right property for our family and eventually our elderly parents, and with the entrance proposed directly opposite our property, we will lose all privacy that we have only enjoyed for two years</p> <p>.From what I can gather, there is insufficient parking allocated for staff and visitors, which indicates that parking will increase on Miswell Lane and likely outside of our property. The roads are already incredibly narrow and will cause severe disruption.</p> <p>The high hedges which will be removed was one of the main reasons we bought our property given the privacy they offer. With the removal of these, our home will be entirely exposed.</p> <p>The increase in traffic and noise pollution during the lengthy development will severely impact our jobs given the time we both spend working from home.</p> <p>I would like to understand why consideration could not be given to keep the hedges in place and access to be given from Icknield Way rather than disrupting the residents of so many on Miswell Lane</p> <p>.</p>

134 Miswell Lane	<p>ORIGINAL PLANS</p> <p>We wish to object vigorously to planning permission being granted for the construction of a residential care home on land adjacent to Miswell Lane on the following grounds.</p> <ol style="list-style-type: none"> 1. The construction of a three-storey building of this dimension is completely out of keeping with the surrounding area and especially Miswell lane. 2. Currently all the surrounding properties are of normal single-family residences and a building of this size would dominate the neighbourhood. 3. A fully occupied building here would create substantial additional traffic from residents, visitors, service and delivery vehicles into what is at times an already busy but narrow area of Miswell Lane. 4. We have written in the past to both Dacorum and Tring councils regarding the top end of Miswell Lane between Windmill Way and Icknield Way where this site is proposed and the already inherent dangers. This area of the Lane is quite narrow and is not helped by the overgrown bushes & trees on the left going towards Icknield Way causing buses, lorries, vans & cars to bounce up onto the footpath sometimes at speed creating a safety hazard for both pedestrians and residents exiting their drives. Further traffic will only exacerbate this risk. 5. While a 20mph speed limit exist in Miswell Lane this is often ignored and is not policed. While this is something that we understand that you do not take into account when considering planning applications, we think that the impact on the surrounding area and the well being of local residents affected when constructing a building of this size should be taken into account. <p>The affect to local peoples lives over the construction period would be blighted if all building access to the site was via this narrow area of Miswell Lane and not into Icknield Way which would be more logical and a safer access route.</p> <p>We therefore hope that you take our views into account during your considerations and refuse this application.</p>
1 Miswell Orchard	<p>AMENDED PLANS</p> <p>Please clarify size of proposed care home, ie how many people will be housed. Is the main access from Miswell Lane or Icknield Way?</p> <p>Will the width of Miswell Lane be widened, it is very narrow at the proposed site.</p>
2 Miswell Orchard, Miswell Lane	<p>AMENDED PLANS</p> <p>While this amended proposal is for a reduced number of units, my comments remain unchanged and I am against the development</p>

	<p>PREVIOUS COMMENTS</p> <p>This proposal would:</p> <ul style="list-style-type: none"> - destroy area of habitat for owls, bats & badgers. Assume some trees will have to be removed. - result in excess noise from heating/ventilation apparatus & smells from cooking - cause extra light pollution 24 hours - use a very narrow exit onto Icknield Way, - have additional deliveries throughout the day - Miswell Lane is already a very busy route to the town centre & did not benefit from any recent traffic calming measures brought in on other roads ie Christchurch Road - have inadequate parking for both staff & visitors - be an over development of site <p>A previous application for 9 dwellings on the site- 4/01969/19/OUT</p> <ul style="list-style-type: none"> - was refused in 2019, at which time Tring Town Councils response included the following: <p>"Town Council's view is that the proposed access is ill-chosen as it would create a hazardous situation, exiting at a point on a busy road where traffic is forced to queue because of single file traffic. At the Icknield Way, traffic already has to queue (from both directions) on the Icknield Way because the single file length of Miswell Lane goes right to the junction. Adding to the traffic will exacerbate a dangerous situation."</p> <p>In the intervening 2 years since that application no changes have been made to the road which might change that view, and the application proposes the same access arrangement</p> <p>Creating an 80-85 Bedroom care home, using the same access, would result in a significantly greater number of vehicle movements than 9 homes.</p> <p>While Miswell Lane has a 20 MPH speed limit, the applicants own traffic survey indicates that the average median speed is well in excess of the speed limit, and the 85th percentile speed is actually around 30 MPH, I have been making unsuccessful representations to our County Councillor to support actions to reduce speeds on Miswell Lane for over 2 years, this development will add to the already significant traffic issues on a single carriageway stretch of road which is a main route from Icknield Way to the town, with vehicles regularly mounting the narrow single pavement to pass, creating significant danger for pedestrians, including residents of the proposed facility, who would need to cross the road to access the pavement.</p>
<p>Goldfield Mill House, Miswell Lane</p>	<p>AMENDED PLANS</p> <p>Whilst the revised proposals are an improvement on the original submission, particularly with respect to height and massing, the key matter of the ancient field hedgerow has not been adequately addressed. This end of Miswell Lane has the last vestiges of the</p>

original lane and the field hedge defines that "Lane" character. The scheme shows its removal, to accommodate vision splays on the narrow lane, and access into the middle of the site from the Lane. Such a move would destroy the character of the Lane, apart from the obvious traffic issues. If the site was accessed from the wider southern end of Miswell Lane via a mini roundabout or similar highway feature, then the majority of the hedge could be left in place and undisturbed

ORIGINAL PLANS

Whilst we do not object to the proposal in principal there are certain issues that need to be addressed.

1. This is the last section of Miswell lane that still is a lane. It is important that the old field hedge is retained. Access could be gained to the site from the south east corner. This would retain the hedge, provide a better access to vehicular traffic, reduce traffic flow on this narrow section of road and allow pedestrian access from a wider part of Miswell Lane.

2. The transport assessment has many flaws and inconsistencies in it but the key point to remember is that Miswell Lane is a 20mph zone, not a 30mph zone. The traffic survey shows average speeds of around 30mph but that is due to bad traffic management. Proper physical highways control would dampen down those speeds, make it safer for pedestrians on this narrow stretch without the need to widen the foot path, or as the highways department input suggests, destroy the hedge by having a 2m wide footpath on that side of the road. Access to the site by adopting my comments in item 1 would solve all those problems.

3. The two wings of the building should be reduced to two stories in height to reflect the buildings adjacent to, and opposite to, the site so that the building steps up from two to three stories and as such would have less visual impact on Miswell Lane. It should be remembered that all the buildings opposite the site are bungalows and visually, going from single storey to a three storey townscape is too dramatic.

4. By reducing the two wings to two stories, this would deal with the density concerns and remove about 14 units from the scheme. Hence a reduction of the overall scheme to around 65 units, which would be better for traffic and overall a less dominating presence in a quiet residential area.

5. Much is made of the design reference to architectural concept and architectural precedents, which is OK but much of the attraction of the cases stated relies on good fenestration, roof overhangs, properly recessed window reveals etc. Apart from the pitched roofs, the rest of the architecture is rather bland and featureless and not up to the Voysey or Lutyens precedents it purports to be. Materials and detailing should be closely controlled.

Miswell Farm, Icknield Way

ORIGINAL PLANS

	<p>I wish to raise concerns about this application in relation to the junction of Miswell Lane and Icknield Way. The entrance to my property is immediately opposite Miswell Lane and it has become increasingly difficult to access in recent times. There have been a number of incidents at this junction particularly with vehicles stopping to turn right into Miswell Lane. The Icknield Way has become busier since it has become a designated Freight Route for Buckinghamshire and Roman Park was developed.</p> <p>Large vehicles entering the farm lane have to cross the carriageway to navigate the right angle turn into the drive. Ideally, the speed limit on the Icknield Way should be reduced to 30mph and a FARM TRAFFIC sign installed on the highway.</p> <p>This dangerous situation will only be worsened by the increased traffic generated by the proposed care home. Surely, a traffic count should be conducted on the Icknield Way in order to assess the mitigation required to reduce the impact of the development on the surrounding road network.</p> <p>I trust that you will take these concerns into account when considering this application.</p>
2 Counters, Miswell Lane	<p>ORIGINAL PLANS</p> <p>As a resident of Miswell Lane, my family and I are directly affected by this proposed development, and yet despite living immediately opposite the access point, we received no planning notification by way of a letter.</p> <p>We strongly object to this proposed major development on several grounds:</p> <p>Miswell Lane is incredibly narrow at the end where the proposed development will be located, and is used as a rat run. There has been a marked increase in traffic since the building of the the LA5 development started and vehicles including trucks and buses already regularly mount the pavement outside our property, endangering anyone leaving our driveway on foot. Traffic along Miswell Lane will only increase with the proposed care home and completion of LA5.</p> <p>There appears to be inadequate parking for staff and visitors, which means that there is a danger that parking on Miswell Lane will increase, which is already busy and obstructive.</p> <p>The mature decades old hedge which screens the site from residents has been earmarked for removal, and yet in the ecological survey it is marked as a valuable, native hedge for nesting birds and other wildlife. To remove this hedge would ruin the character of this section of Miswell Lane, increase noise from the industrial estate, and any proposed replacement trees/shrubs will take decades to grow.</p> <p>The design of the property is ugly and out of character for the section of Miswell Lane it will be located on. The building is too high, and will impact the street scene negatively. Miswell Lane has a distinct 'lane'</p>

	<p>character at the Icknield way end, and this character will be destroyed with the building of this property and the removal of an established hedge.</p>
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There will be significant impact both during the lengthy build, and with the creation of this not needed care home to the residents immediately opposite with increased traffic, noise and street scene destruction , and we implore that Tring Town Council rejects this application and protects the character and the residents of Miswell Lane.