

**PLANNING COMMITTEE – 18 AUGUST 2022****DEFERRED ITEM**

Report of the Head of Planning

**DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>DEF ITEM 1 REFERENCE NO - 21/505461/PSINF</b>		
<b>APPLICATION PROPOSAL</b>		
The construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces).		
<b>ADDRESS</b> HMP Standford Hill Church Road Eastchurch ME12 4AA		
<b>RECOMMENDATION</b> Grant subject to the following conditions and with delegated authority to amend conditions as may reasonably be required.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>The proposals for the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces) would be acceptable in principle, due to the siting of the proposals within the confines of an existing prison, and noting wider demands for an increase in criminal justice accommodation and the policy support for enhanced public service infrastructure.</p> <p>With regard to wider planning considerations, the proposals are acceptable subject to a number of conditions which are included below. Details of materials and soft landscaping are sought in the interests of visual amenity and ensuring suitable landscaping is proposed to screen the new houseblocks and to mitigate lost tree planting within the proposed car park extensions. The proposals are considered to be acceptable in terms of design and visual impact; landscaping and trees; biodiversity noting that a net gain on 15% is to be achieved; residential amenity; flood risk/drainage; environmental matters; sustainability/energy noting the supporting energy statement and proposals meeting BREEAM “Very Good”; and with regard to the Conservation of Habitats and Species Regulations 2017.</p> <p>No objection has been raised by statutory consultees and the scheme has been subject to an independent highway review which has concluded that the proposal is compliant with local and national highway policies.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
The application was deferred at the 12 <sup>th</sup> May Planning Committee meeting, to allow officers to liaise with KCC Highways and Transportation about the highway impacts and the Council requested independent traffic consultants to look at the impact of the application on the local road network. This analysis has now been concluded and this report and the Appendices set out the details.		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN</b> Eastchurch	<b>COUNCIL</b> <b>APPLICANT</b> MOJ <b>AGENT</b> Cushman & Wakefield
<b>DECISION DUE DATE</b> 29/12/21		<b>PUBLICITY EXPIRY DATE</b> 28/07/22

## 1. BACKGROUND

- 1.1 This application was first reported to the Planning Committee on 12<sup>th</sup> May 2022 where Members resolved *“That application 21/505461/PSINF be deferred to allow officers to liaise with KCC Highways and Transportation about the highway impacts and the Council requested independent traffic consultants to look at the impact of the application on the local road network”*
- 1.2 The independent highway advice as referred to above has been obtained. The initial highways advice received is included at Appendix 1 and sought further information from the applicant. This was provided in a Transport Executive Summary Note (Appendix 2), and an updated Transport Statement (Appendix 3). The further information was sent to KCC Highways and the independent highways consultant to be reviewed, and the independent highways advice in Appendix 4. I have also included the original committee report at Appendix 5, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. Appendix 6 and 7 comprises the tabled updates regarding KCC Highways comments for the original committee report. KCC Highways comments are awaited and will be included via a tabled update.
- 1.3 As a result, the form that this supplementary report will take will be to discuss the independent highway advice received, and further comments by KCC Highways and how this has informed the recommendation reached by Officers.

## 2. CONSULTATION RESPONSES

- 2.1 The following consultation responses have been received since the last committee report:
- 2.2 **KCC Highways and Transportation – awaiting comments, to be provided as a tabled update.**
- 2.3 National Highways raise no objection, subject to condition, and advise their original response dated 28 January 2022 remains appropriate.

*“We have reviewed the further information submitted in support of this planning application 21/505461/PSINF (an updated Transport Statement addressing KCC highways queries). We remain content that the proposals would not have an unacceptable impact on the SRN, provide that planning conditions in respect of a Construction Management Plan and restrictions on delivery vehicles are attached to any permission granted.”*

- 2.4 Natural England have no further comments, refer to previous comments.
- 2.5 Kent Police have no further comments, refer to previous comments.

## 3. LOCAL REPRESENTATIONS

- 3.1 The following responses have been received since the last committee report:
- 3.2 Eastchurch Parish Council objects to the application and has provided further comments dated 16/06/22 and are intending to provide further comments on 09/08/22 which will be reported to Members via a tabled update.

16/06/22: *“Having read the further reports and information supplied, the Planning Committee of Eastchurch Parish Council sees no reason to change the original strenuous objection.*

*The highways problems raised have not been dealt with. There have been no further meetings with the agents who had agreed to come back with proposals to mitigate the existing speed and safety issues. There are additional concerns with the cumulative effect of the two prison extensions The Highway network mentioned in the reports is not the issue. The speed of existing traffic and the safety of the residents/visitors/prison staff who both walk and drive on Church Road has still not been addressed. Reports and statistics cannot replace valid experiences of residents on a daily basis.*

*A section 106 agreement is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community. Eastchurch Parish Council ask for S106 or CIL, in order to fund active physical road calming in order to protect both residents and the prison community. There is already a high direct impact on the local population.*

*The cumulative effect of the two current expansions will see this at breaking point. Swale Borough Council and MoJ have a Duty of Care to ensure that an acceptable resolution is found.”*

#### **4. APPRAISAL**

- 4.1 As set out above, in addition to the detailed assessment of highway related matters undertaken by KCC Highways & Transportation during the course of the application, since the application was deferred at the 12<sup>th</sup> May 2022 committee meeting, an in depth independent review of the highway issues has been carried out.
- 4.2 The initial independent review is provided in full in Appendix 1. As part of this review a site visit was carried out. This is in addition to the site visits carried out by the applicant in producing their proposals and the visits carried out by Officers.
- 4.3 Members will note that the initial independent review concluded *“For the most part, the development proposal is considered appropriate in principle, however, further information is required from the applicant before the proposed development can be fully supported:* The further information related to the suitability of the proposal in relation to local and national policy, including how the development encourages active travel; number of prisoners expected to leave or arrive at the site each day, including travel mode; the discussed shuttle bus, as demonstrated in the Travel Plan Statement (TPS), should be secured by a planning condition; and the applicant should provide vehicle speed surveys on Church Road to determine whether there is an existing speed issue.
- 4.4 In response to this, the applicant has provided a Transport Executive Summary Note (Appendix 2), and an updated Transport Statement (Appendix 3), which has been reviewed by the independent highways consultant (Appendix 4).

##### *Prisoner movements (existing and proposed)*

- 4.5 As HMP Stanford Hill is an open prison, there are prisoners with external work placements which can be accessed either by a private car or prison vehicle. The updated Transport

Statement sets out that of the current prison population, 140 prisoner (30%) attend external work placements with 69 (49%) having access to a private car or prison van. On average, peak movement times for prisoners leaving and returning to the prison are 05:00 - 07:30 and 18:00 – 21:00. In terms of car ownership, around 15% of existing population have access to their own car.

- 4.6 The updated Transport Statement provides information on prisoner movements, including the number of additional prisoners anticipated to access the site each day, including mode of travel. The applicant states that of the new prisoners, 19 are likely to travel to jobs outside of the prison or travel to work placements off site using their own vehicle. 19 further prisoners are likely to travel by car sharing or a minibus. Peak movement times are likely to be 05:00 - 07:30 and 18:00-21:00. These additional prisoner movements are noted to take place outside of typical peak hours and are considered low (38 two-way trips), especially when travelling by sustainable transport modes
- 4.7 The independent review has noted that taking into account the above, the impact on the local highway network will be minimal and the increase in prisoner trips deemed acceptable.
- 4.8 With regard to other vehicular movements to the site as a result of the proposed development, the TS sets out existing and forecast vehicular trips for staff and visitors. In the initial independent review (Appendix 1) advises that the number of additional staff trips will be low and will not materially impact the local or strategic highway network. For visitor trips it sets out that visiting times occur outside typical highway peak hours, and it is considered that the additional visitor trips resulting from the expansion of the site are considered negligible and will not cause a material impact to the local or strategic highway network.
- 4.9 KCC Highways in their original consultation response (12/05/22) raised no objection with regard to staff numbers and forecast vehicular trips noting that this would have a negligible impact on the highway network.

#### *Travel Plan and Shuttle Bus*

- 4.10 The application has been supported by a Travel Plan, which includes working with other prisons in the cluster to promote reduced car travel. Within the updated TS, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times, to consolidate journeys and make sustainable travel by staff easier and more attractive. KCC Highways advise that further details are required by condition (condition 33). The independent review has raised no objection to this approach.

#### *Speed Surveys*

- 4.11 Concerns have been raised by the Parish Council regarding existing speeding along Church Road. The initial independent highways advice requested vehicle speed surveys for both directions on Church Road, to determine whether there is an existing speed issue. The updated Transport Statement provided this, and the data indicates that 85th percentile average speeds on Church Road do not exceed 28.2mph in either direction, which is below

the posted 30mph speed limit. Therefore the data does not suggest there is a speeding problem on Church Road.

- 4.12 Appendix 2 sets out that the applicant is willing in principle to provide additional signage at the exit of the prison cluster advising vehicles to drive carefully and with consideration to neighbours
- 4.13 The independent highways advice does not seek any further information in this respect, and does not advise that traffic calming measures are required along Church Road. This is consistent with the advice KCC Highways provided (Appendix 7) which notes the following: *“I note that the committee report anticipates comment on the Parish Council’s request for traffic calming measures on Church Road. However, the scale of the current development, and negligible traffic impact from 13 additional staff would not warrant any mitigation. In any case, it is not considered that there is any evidence from the latest crash records to indicate that there is an existing problem that requires attention. Consequently, no off-site highway works will be sought from this development proposal.”*
- 4.14 To conclude, the additional information provided by the applicant is satisfactory and the application is considered acceptable on highway grounds, for the following reasons as contained in the final independent highway review:
- *The applicant has provided the anticipated number of additional prisoners with access to their own vehicle on site (19 total), which is anticipated to generate around 38 two way trips, likely outside of the peak hours.*
    - *We acknowledge that the remaining 19 additional prisoner journeys are likely to be by sustainable modes of travel, such as car sharing or minibus.*
  - *The applicant has demonstrated that there is not an existing road speed issue on Church Road, with recorded 85th percentile speeds noted to be under the posted 30mph speed limit.*
  - *In line with KCC requests, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times.*
    - *We note this will help reduce single occupancy trips to and from the site and make sustainable travel by staff easier and more attractive.*
  - *Whilst the applicant has not demonstrated how the site encourages active travel, they have committed to minimising single occupancy car trips. Assessing the proposal in relation to NPPF, we do not believe that there is valid reason to prevent or refuse this planning application on highway grounds.*
- 4.15 KCC Highways comments are awaited and will be included via a tabled update.
- 4.16 I do recognise that Eastchurch Parish Council and Members have raised concerns regarding the impact of the proposal upon highway safety and amenity. However, now in addition to KCC Highways & Transportation raising no objection (subject to conditions which have been recommended), I am in receipt of very detailed independent highway advice which clearly sets out that the proposal *‘is considered compliant with relevant*

*national and local highway policy.*’ On this basis I can reach no other conclusion than that the proposal would not give rise to harm to highway safety and amenity nor give rise to a severe impact upon the road network (the tests set out in the relevant policies) and is acceptable in this regard.

## **CONCLUSION**

- 4.17 The overall planning policy context within which the planning application is now being considered is identical to when this proposal was reported to the Planning Committee on 12<sup>th</sup> May 2022 where Officers recommended approval.
- 4.18 Since this time an independent highway review has been carried out. The review(s) have been attached in full (including the applicant’s response to the initial review) with a very clear conclusion being drawn by the Council’s consultant that the proposal is compliant with the relevant local and national highway policies.
- 4.19 On the basis of the above, in the event that the Planning Committee was minded to refuse the scheme for reasons related to highway impacts, I consider there would be a high likelihood that such a refusal would not be credible at appeal. This is based on the fact that both KCC Highways & Transportation, and separately an independent highway consultant has assessed the scheme in detail and concluded that the proposals are in accordance with the relevant local and national highway policies. At an appeal it would be expected that the Council was able to defend reasons for refusal with appropriate technical evidence. In this case, the lack of any technical evidence to support a reason for refusal on these grounds would, as well as likely resulting in an Inspector allowing an appeal, also mean in my view that there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.

## **5. RECOMMENDATION**

GRANT – Subject to the following conditions and with delegated authority to amend conditions as may reasonably be required.

### **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans and documents:

Site Location Plan, drawing no. 705674-5375-RPS-000-00-DR-A-1000 P05

Site Layout Plan, drawing no. 705674-5375-RPS-000-00-DR-A-1001 P07

Proposed Block Plan Sheet 1, drawing no. 705674-5375-RPS-000-00-DR-A-1003 P07

Proposed Block Plan Sheet 2, drawing no. 705674-5375-RPS-000-00-DR-A-1005 P05

Site Sections Accommodation Blocks, drawing no. 705674-5375-RPS-000-XX-DR-A-1030 P02

Accommodation Block 1 Sections, drawing no.  
705674-5375-RPS-090-XX-DR-A-1082 P06  
Accommodation Block 1 Proposed Elevations drawing no.  
705674-5375-RPS-090-XX-DR-A-1083 P07  
Accommodation Block 1 Proposed Floor Plan drawing no.  
705674-5375-RPS-090-ZZ-DR-A-1080 P06  
Accommodation Block 1 Roof Plan drawing no.  
705674-5375-RPS-090-ZZ-DR-A-1081 P06  
Accommodation Block 2 Sections, drawing no.  
705674-5375-RPS-091-XX-DR-A-1092 P06  
Accommodation Block 2 Proposed Elevations drawing no.  
705674-5375-RPS-091-XX-DR-A-1093 P07  
Accommodation Block 2 Proposed Floor Plan drawing no.  
705674-5375-RPS-091-ZZ-DR-A-1090 P06  
Accommodation Block 2 Roof Plan drawing no.  
705674-5375-RPS-091-ZZ-DR-A-1091 P06  
Library and Healthcare Office Proposed Section drawing no.  
705674-5375-RPS-094-XX-DR-A-1071 P04  
Library and Healthcare Office Proposed Elevations drawing no.  
705674-5375-RPS-094-XX-DR-A-1072 P04  
Library and Healthcare Office Proposed Plans drawing no.  
705674-5375-RPS-094-ZZ-DR-A-1070 P04  
Admin Record Store Plans and Elevations, drawing no.  
705674-5375-RPS-095-ZZ-DR-A-1060 P04  
Proposed Extension to Visitors Car Park, drawing no.  
705674-5313-CTG-XXX-XX-DR-A-0011-S2-01-D0100 05

Reason: In the interests of proper planning

### **PRE-COMMENCEMENT**

3. No development shall take place, including any works of demolition, until a Demolition & Construction Method Statement/Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (who shall consult with National Highways). The Statement shall provide details of:
  - a) Routing of construction and delivery vehicles to / from site
  - b) Parking and turning areas for construction and delivery vehicles and site personnel and visitors
  - c) Timing of deliveries
  - d) Loading and unloading of plant and materials
  - e) storage of plant and materials used in constructing the development
  - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - g) Temporary traffic management / signage
  - h) wheel washing facilities
  - i) measures to control the emission of dust, particulates and dirt during construction
  - j) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - k) Bonfire policy
  - l) Proposals for monitoring, reporting and mitigation of vibration levels at surrounding residential properties where they are likely to exceed 1mm/s measures peak particle velocity.
  - m) Proposed contact details and method for dealing with complaints from neighbours

The details of the Demolition/Construction Method Statement shall be strictly adhered to throughout the entirety of the demolition and construction period until completion of the development.

Reason: In the interests of the amenities of the area and highway safety and convenience.

4. The commencement of the development shall not take place until a programme for the control and suppression of dust during the construction & demolition phase has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: To aid the control and suppression of dust

5. No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones.
  - c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reasons: To ensure that features of archaeological interest are properly examined and recorded.



**PRIOR TO TREE WORKS**

7. The commencement of the development shall not take place until a scheme for the adequate mitigation measures equating the value of the damage cost have been submitted to and approved in writing by the Local Planning Authority in respect to air quality. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To ensure there is no adverse impact on air quality

8. No tree works shall take place until methods of work, position of site offices, material storage, compounds, parking and tree protection and impact mitigation measures prior to commencement of the relevant part of the development and the associated clearance work have been agreed in writing by the Local Planning Authority.
  - a) Prior to the commencement of any works affecting trees an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The recommended measures for arboricultural management shall be carried out in full and thereafter retained.
  - b) All permitted or approved tree work will be carried out in accordance with the British Standard BS3998:2010 (or prevailing standard), an Arboricultural Association Approved Contractor or an ISA Certified Arborist/Tree Worker suitably insured and experienced to carry out the tree works.
  - c) All tree works are to be carried out between July and September or November and February. Tree works should also avoid the season for nesting birds.
    - d) No tree works shall be undertaken until permission is given, or a programme of recommendations is received in writing as a result of a bat survey conducted by a suitably qualified ecologist.
  - e) All tree works, and tree surgery works will be carried out prior to the development of the site, and erection of protective fencing.
  - f) All protective measures; including fencing, shall be implemented prior to any demolition or construction works and remain in situ and intact throughout the duration of the relevant part of the development. Written approval by the Local Planning Authority shall be obtained prior to any temporary removal of protective measures during the relevant part of the development period.
  - g) Should additional tree work other than those identified in the arboricultural impact assessment approved in part (b) above become apparent during the construction process, written consent will be required from the Local Planning Authority prior to these additional works being undertaken.
  - h) Any trees or plants which form part of the approved landscaping scheme which die within a period of 5 years from the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless otherwise agreed in writing by the Local Planning

Reason: In order to improve the character and amenities of the area.

9. If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason: To contribute to protecting and enhancing biodiversity, and visual amenity of the area

### **PRIOR TO ABOVE GROUND WORKS**

10. No development above slab level until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk and Drainage Assessment report by Alan Wood and Partners (16/11/2021). The submission shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

11. Prior to above ground works taking place, details of the external finishing materials, including hard surfacing to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

12. Development approved by this permission shall be commenced in accordance with the approved GI Phase 2 Report (dated August 2021):

- a) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.
- b) all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance.

Reason: To ensure any land contamination is adequately dealt with.

13. No development on above ground works shall commence until a landscape plan has been submitted to and approved in writing by the local planning authority showing that the scheme achieves a minimum biodiversity net gain of 15% against the existing site conditions. The development shall be carried out in full accordance with the approved biodiversity gain plan.

Reason: to ensure that biodiversity gains are delivered for enhancement and improvements of habitats.

14. Before commencement of above ground works, a Biodiversity Mitigation and Enhancement Plan (BMEP) addressing ecological mitigation and biodiversity enhancement of the site should be submitted to and approved in writing by the local planning authority. The BMEP shall demonstrate how biodiversity losses are to be mitigated for and how biodiversity net gain is to be delivered and include the following:
- a) Purpose and conservation objectives for the proposed works including restoring and creating suitable habitat and features for reptiles, hedgehog, foraging bats and breeding birds and replacement tree planting.
  - b) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - c) Extent and location of proposed mitigation and enhancement measures on appropriate scale maps and plans.
  - d) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
  - e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - f) Persons responsible for implementing the works.
  - g) Details of initial aftercare and long-term maintenance.
  - h) Details for monitoring and remedial measures.

The BMEP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the losses of biodiversity can be compensated for and a net gain in biodiversity delivered in accordance with the requirements of the NPPF, July 2021, and that the proposed design, specification, and planting can demonstrate this.

15. Notwithstanding the submitted landscaping details, prior to the commencement of above ground works, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the biodiversity net gains in as per Condition **13**. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, lighting, bollards, street furniture (including waste bins), cycle linkages, wayfinding, permeability of all hard surfaces, materials, use of planting to provide privacy and defensible areas and an implementation programme. All new streets must be tree lined. The scheme shall reflect the recommended landscape strategy in para 4.1 of the Landscape and Visual Appraisal (dated August 2021).

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme submitted to and agreed in writing with the Local Planning Authority.

16. The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

17. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any building

Reason: In the interest of promoting energy efficiency and sustainable development.

18. Full details of the location and type of facilities for parking of cycles within the relevant part of the development for occupants and visitors shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works. The cycle parking shall be provided in accordance with the Swale Parking SPD (or most recent relevant standard). Once approved, the cycle parking shall be fully implemented prior to first occupation and maintained for the lifetime of the development

The approved cycle parking shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel

19. Full details of the electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority, providing 10% active spaces and all other spaces to be provided as passive spaces prior to above ground works commencing. The agreed details shall then be implemented prior to first use of the site. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development

20. Full details of car parking provision for people with disabilities shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works commencing. The details shall show a minimum of 4 designated spaces and shall be provided in accordance with the Swale Parking SPD (or most recent relevant standard). The agreed details shall then be implemented prior to first use of the site and maintained for the lifetime of the development.

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development

## **FIRST OCCUPATION / USE**

21. The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority prior to first commencement.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

22. Prior to the first occupation or first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity

23. Prior to the use of the first building, details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals) and will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure any bats that may be present or use the site are not adversely affected by the development.

24. The buildings hereby approved shall be constructed to BREEAM 'Excellent' Standard or an equivalent standard and prior to 6 months of occupation the relevant certification shall be submitted to and approved by the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development

25. The development shall include provision of measures to prevent the discharge of surface water onto the public highway at all times. The development shall not be brought into use until such details are operational and the measures shall be maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

26. Full details of a refuse and recycling strategy including collection arrangements for all uses shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation/first use of the relevant part of the development.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

Reason: In order that the Council may be satisfied with the details of the proposal

27. Prior to the installation of any external lighting details of any lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels both

inside and outside the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be switched off (except any agreed security lights) when the site is not in use.

Any floodlighting or canopy lighting shall be so sited, angled and shielded as to ensure that the light falls wholly within the curtilage of the site and such lighting shall be of an intensity and type to be approved by the Local Planning Authority before it is first used.

Reason: In order that the Council may be satisfied with the details of the proposal

## **COMPLIANCE**

28. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority

Reason: In the interests of the amenities of the area

29. All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981.

30. No vehicles delivering to the site hereby permitted shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive.

Reason: To ensure that M2 Motorway and A249 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to safeguard the local highway network and to satisfy the reasonable requirements of road safety.

31. The buildings hereby approved shall be used for the purpose of criminal justice accommodation, a proposed record store, library, office in connection with the wider HMP Standford Hill prison complex and for no other purpose as may be allowed by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

32. The area shown on the submitted plan for any loading, off-loading and parking spaces shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted. The parking provision shall be available for use prior to the criminal justice

accommodation being first bought into use and retained thereafter in accordance with the details hereby approved. The car parking shall be used solely in connection with the operation of HMP Stanford Hill and for no other purposes.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

33. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To reduce dependency on the private car

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

