

APPENDIX 5

2.13 REFERENCE NO - 21/505461/PSINF		
APPLICATION PROPOSAL		
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).		
ADDRESS HMP Standford Hill Church Road Eastchurch ME12 4AA		
RECOMMENDATION GRANT – Subject to the following conditions and comments from KCC Highways and Transportation (including requested conditions), and with authority to amend conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<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>As set out within the report below, there are outstanding highway matters that will need to be addressed before the determination of the application. The requested highway information has been sought from the applicants, and will be reconsulted on. Members will be updated regarding this at the committee meeting, or via tabled papers.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council Objection		
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL APPLICANT MOJ AGENT Cushman & Wakefield
DECISION DUE DATE 29/12/21		PUBLICITY EXPIRY DATE 07/03/22

21/506517/PSINF

Erection of a new kitchen, plant room and bin store.

Pending Consideration

21/501437/FULL

Extension to the visitor's car park of HMP Standford Hill to provide 40 additional parking bays.

Withdrawn Decision Date: 25.10.2021

APPENDIX 5

21/505986/ENVSCR

Screening Opinion for the construction of two houseblocks (two storeys) for a total of 120 prisoners, a proposed record store, library, office and extension to the existing visitor car park (40 spaces) within boundary of HMP Standford Hill Category D Prison. The proposed development falls within Schedule 2 of the EIA Regulations 2017 (Schedule 2, 10 (b)) Urban Development Projects.
Decision Date: 02.12.2021

14/505343/LAWPRO

Certificate of Lawful Development for a proposed development to convert and refurbish the 3 No housing blocks to residential properties to house 39 prisoners. Proposed works to include external and internal alterations. 2m high steel Palisade boundary fencing is to be installed. 1 No. prison issue pedestrian gate and 2 No. vehicle gates
Approved Decision Date: 01.05.2019

SW/10/1567

The erection, 25 year operation and subsequent decommissioning of a wind energy development comprised of the following elements: two wind turbines, each with a maximum overall height (to vertical blade tip) of up to 121 metres, together with new access tracks, temporary works, hard standing areas, control and metering building, cabling and new vehicular access from Brabazon Road
Grant of Conditional PP Decision Date: 11.11.2011

SW/09/0913

The erection of a new single storey education building.
Grant of Conditional PP Decision Date: 23.11.2009

SW/09/0425

The erection of a new energy centre at HMP Elmley including a generator, plant room, oil tank, associated hardstanding and landscaping and a three metre high palisade security fence, with new vehicular access of Brabazon Road.
Grand of Unconditional (stat 3yrs) Decision Date: 10.07.2009

Extensive planning history relating to the prison complex at Standford Hill dating back to 2000.

Adjacent Site:

21/506787/PSINF (HMP Elmley)

Construction of a 4 storey (Category C) houseblock for up to 247 prisoners, a new workshop, a staff administration building, extension to existing property store, extension to existing sports store, new 7-a-side sports pitch, new 3G MUGA pitch, extension to the existing car park (80 spaces) and realignment of existing containment fencing at HMP Elmley Category B/C Prison.
Pending Consideration

1. DESCRIPTION OF SITE

1.1 The application site is HMP Standford Hill which is a category D men's open prison. HMP Standford Hill, together with HMP Swaleside and HMP Elmley comprise the Isle of Sheppey Prison Cluster which are situated to the south of Eastchurch (approx. 1.6km) and are within the open countryside. To the north of HMP Standford Hill is a small housing estate and Eastchurch Fire Station. To the south is a water treatment facility

APPENDIX 5

and wind turbines. To the east and south east are the other prisons in the Sheppey Cluster and to the west is farmland.

- 1.2 HMP Standford Hill is located to the west of Brabazon Road, and the HMP site covers a large area of 16.43 hectares. HMP Standford Hill comprises a series of low rise buildings providing accommodation, a gym, swimming pool and workshops. There are a mix of building styles and storey heights at the site (the current houseblocks are 2 storeys in height). The main entrance to the prison is via Brabazon Road via Church Road which provides access to A2/M2 (via A249). Parking for visitors and staff is provided in the existing car park which is accessed from Brabazon Road. The buildings are set within open space.
- 1.3 HMP Standford Hill was opened on the site of an ex Royal Air Force Station and was first used as a prison in 1950 (although the current buildings date from 1986). The site would fall within use Class C2A (Secure Residential Institution).
- 1.4 The application site is within Flood Zone 1 (Low Flood Risk)
- 1.5 There are no heritage assets within the site boundary itself, however there are Grade II listed former aircraft hangars ('Four Hangars') to the south of the site, and to the south of Wrights Way. The hangars are listed in respect of their historical interest (dating back to the early days of manned flight) rather than architectural interest.

2. Proposal

- 2.1 The application seeks 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).

Houseblocks

- 2.2 The proposed houseblocks would provide 120 additional bed spaces for HMP Standford Hill. They would be two storeys in height and will be situated on open land close to the southern red site boundary, and close to the existing education and healthcare blocks to the north.
- 2.3 The proposed houseblocks are rectangular buildings measuring 12m x 66m, and would have a simple pitched roof with a ridge height of 10m and eaves of 6.3m. The buildings would be finished in brick at ground floor level, cladding at first floor level, with a standing seam roof. Coloured cladding would be featured on the side gable elevations and entrance of each building, one in yellow and one in blue. Solar PV panels are proposed on the roof.

Office Records Store

- 2.4 The proposed office records store would be situated adjacent to the parole block in the north-western part of the site. It is a single storey building measuring approximately 6.7m x 10.4m, with a pitched roof with a ridge of 5.9m and eaves of 3.8m. It would be finished in brick, with cladding in the eaves and top part of the external walls, with a standing

APPENDIX 5

seam roof. Strips of green cladding are proposed on the side gable wall elevation, and entrance doors.

Library & Healthcare Office

- 2.5 The library and healthcare office is proposed to be situated adjacent to the existing car park and healthcare building in a central part of the site. It is a single storey L shaped building measuring approximately 15.4 x 16.9m, with a pitched roof with a ridge of 5.9m and eaves of 3.9m. It would be finished in brick, with cladding in the eaves and top part of the external walls, with a standing seam roof. Strips of yellow cladding are proposed on the side gable wall elevations.

Visitor Car Park Extension

- 2.6 The existing visitor car park (adjacent to Brabazon Road) will be extended to the north to provide 40 additional car parking spaces, in the north-eastern part of the site. It would be extended by removing two parking bays and a timber fence from the existing car parking area to provide access to the proposed extension. The finishing material is noted to be permeable paving.

3. SUMMARY INFORMATION

Building	No. Buildings Proposed	of Storeys	Total Area (sqm)
Accommodation Block	2	2	2301 (per block)
Library & Healthcare Office	1	1	153
Records Store	1	1	67
Car Parking	40 spaces		1429
		Total	6251

4. PLANNING CONSTRAINTS

- Outside the built-up settlement boundary, within the open countryside
- Grade II listed buildings to the south
- Within 6KM Buffer for SAMMS Strategy
- Potential Archaeological Potential

5. POLICY AND OTHER CONSIDERATIONS5.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:

- 5.2 ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local

APPENDIX 5

Plan development targets); ST6 (The Isle of Sheppey area strategy); CP2 (Promoting Sustainable Transport); CP4 (Requiring good design); CP7 (Conserving and enhancing the natural environment); CP8 (Conserving and enhancing the historic environment); DM3 (The rural economy); DM6 (Managing transport demand and impact); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM32 (Development involving listed buildings)

- 5.3 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 82 (economic objectives for planning policy); 92 (healthy, inclusive and safe places); 96 (faster delivery of public service infrastructure such as criminal justice accommodation); 110 (sustainable transport); 111 (highway safety); 112 (pedestrian and cycle, safe and secure layouts); 130 (achieving well designed places); 169 (sustainable drainage systems); 174 (local and natural environment); 179 (biodiversity).
- 5.4 Supplementary Planning Documents (SPD): Parking Standards (2020).
- 5.5 Landscape SPD – Swale Landscape Character and Biodiversity Appraisal 2011. The site falls within character area 13: Central Sheppey Farmlands which comprises of the Clay Farmland Landscape Types. The landscape condition is described as ‘poor’ with a ‘moderate’ sensitivity. The guidelines for this area are to restore and create. The key characteristics also include the prison complex which is described in the document as a dominant feature in the open rural landscape which has a wide impact on the adjoining marshland, particularly when floodlit at night. One of the guidelines for development in this area is to minimise the impacts of external lighting at the prisons on wider landscape.

6. LOCAL REPRESENTATIONS

- 6.1 Eastchurch Parish Council have objected, and their comments dated 04/11/21 and 08/02/22 are included below:
- 6.2 **04/11/21**: *An application had been previously received for an extension to the carpark. This had been strongly objected to by this committee including:*

"Landscaping required to carpark area. The loss of the site area to carparking will provide an urban feel to a rural area. British native tree replacement required elsewhere on the estate. Transport statement requires mitigation for existing residents in close proximity, which is not 2km as stated. Brabazon Rd, Orchard Way, Range Road, Kent View Drive, St Georges Avenue and Church Road are all residential streets. Due to constant speeding these roads have become dangerous to access and egress. Church Road and the northern end of Brabazon Road only have pavement on one side on a very fast road. These are on opposite sides which necessitates the crossing of the road for pedestrians. High volumes of traffic onto the site for officers, support staff and visitors for the three prisons, not just HMP Standford Hill, this is the only access road. Historical record of persistent speeding. MOJ has already acknowledged this and joined with KCC and EPC to provide an interactive speed sign. This had little effect and has now been removed as it is no longer viable (10+ years old). The Governors of all three prisons are aware of the issue and requests are repeatedly made for them to remind their staff and contractors of the speed limits and safety issues. Extensions to the site cannot be

APPENDIX 5

considered before sufficient road calming measures are put in place to provide safety both for existing residents and for users of the site. Speed cushions have already been deemed inappropriate on this road".

It was agreed that these concerns particularly regarding the speed and volume of traffic on the road has yet again not been addressed by the MoJ. The additional spaces and extra blocks for 120 prisoners at Standford Hill will only provide an increase to not only visitors but also support staff and delivery vehicles. This cannot be acceptable for the safety of the residents. The 2m footpath mentioned in the Traffic Management report is measured from Kerb to far verge. It does not take into account the width of the verge on either side or the lack of maintenance with vegetation obscuring the footpath and forcing pedestrians onto the road in order to get past brambles and stinging nettles. It is not maintained by KH&T unless repeatedly asked by the Parish Council and pedestrians already have a frightening time walking up to the schools and shops that the main village provides. If the new blocks are inhabited by prisoners using the back to work scheme, this will exacerbate the situation even more. The traffic plan mentions that there are also plans for an expansion to Elmley for a further 246 prisoners. This would prove to an untenable situation. The buses that serve the prison stop at 6.00pm and thereby encourage the use of personal vehicles for staff and prisoners who are at work.

The forecast for traffic movements is inapplicable to this application. The dataset used is thirteen years out of date. The out-of-date data set provides an additional possible 18 visitor journeys per day. This is on top of the additional non-operational staff movements at 1 every five or six minutes. This is deemed not material. Eastchurch is a village, and the Isle of Sheppey is a rural location. Whilst these figures might be acceptable in an urban area with appropriate infrastructure, it is totally unsuitable for the location discussed.

Church Road provides the only access to the prison sites and as such there are bottle necks during the day, particularly at shift change over. When there is an accident, there is no alternative access, and the traffic quickly backs up to the bypass. The Lower Road/Eastchurch Road junction is difficult to turn out of due to the volume of traffic emanating from the prison site.

The levels of staffing and occupancy of the sites are thirteen years out of date. The census data is from 2011 and 10 years out of date. This needs to be updated before the planning application is given consideration and needs to include not only permanent occupancy, but also temporary occupancy in order to reflect the true figures as well as complete figures for prison staff, both operational and support staff, agency staff and permanent and temporary workforce.

There is an assumption of the level of vehicles travelling on the A249 which are taken from statistics which are able to be interpreted in many ways. Whether the vehicles are local to the island or whether they travel on the A 249 or M2 is irrelevant to the immediate imposition on the local residents of a high speed, and high volume traffic flow on a rural road. There is a large residential population in the immediate surrounds who already are affected by the existing problems that the prison sites cause. The conclusion of 4.23 is wrong. There will be a major material impact on a rural road. The prisons already suffer staffing shortages and to assume that these can be met by the local population is proved incorrect. Therefore there will be more journeys on the A249 and M2 junction traffic will

APPENDIX 5

likely increase.

The road infrastructure is already unsuitable for the existing prison sites. Before any further increase and expansion to any of the prisons on the cluster, the road infrastructure must be addressed through a S106 agreement with a robust report on how to permanently mitigate speeding on the immediate surrounding roads and to provide safety for the residents in the area through robust traffic calming, such as full width speed cushions or chicanes with designated crossing points near the junction of Orchard Way and Brabazon Road. The Parish Council would be keen to enter into dialogue with the MoJ so that a satisfactory resolution could be found.

- 6.3 **08/02/22:** *Members agreed that the pre-existing highways issues are **caused by the high levels of traffic already accessing the prison cluster site** (Eastchurch PC emphasis). The MoJ installed flashing speed signs in acknowledgement of this. The signs have since fallen into disrepair and have been removed. This needs to be addressed before any expansion is permitted.*

With the cumulative impact of the traffic increase, the safety of the existing residents is once again being ignored. A developer contribution should be sought from MoJ by KCC and SBC in order to mitigate costs of permanent resolution and protection of the environment, highway and safety of residents and users. The MoJ need to take a proactive approach to its responsibility as the main source of the traffic and provide a future proof solution for all parties with the continuing expansion.

- 6.4 No comments have been received from neighbouring properties.

7. CONSULTATION RESPONSES

External

	COMMENTS RECEIVED	OFFICER RESPONSE
National Highways	<p>We have concluded that the quantum of operational traffic on the A249 and at M2 Junction 5 will be low. However, during the construction phase there are potential adverse impacts which may be mitigated by means of a Construction Management Plan.</p> <p>Having assessed application 21/505461/PSINF, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A249(T) and M2 Junction 5), provided that the following conditions are imposed, (reflecting the DfT Circular 02/2013 paragraphs 8 -11 and MHCLG NPPF 2021 paragraph 110-113 tests). Advised no objection subject to the imposition of conditions.</p>	The requested conditions re a Construction Management Plan; and delivery hours are included within the recommended conditions list.
KCC Flood and Water Management	Having reviewed the submission documents, raise no objection subject to a condition seeking a detailed sustainable surface water drainage.	The requested conditions seeking a detailed sustainable surface water drainage scheme is included

APPENDIX 5

		within the recommended conditions list.
KCC Highways	<p>16/03/22</p> <p><u>Existing Development & Trip Generation:</u> there are discrepancies in the submitted information regarding staff numbers (including shift pattern and officer to prisoner ratio) and trip generation. The comments request that further clarification is therefore required to confirm the appropriate staff numbers to be used in the trip calculations.</p> <p><u>Development Proposals:</u> Whilst section 4 of the Transport Statement indicates that this would see an increase in 8 operational and 24 non-operational staff, it is not clear how these figures have been determined, particularly given the discrepancies highlighted above with the existing staff numbers associated to the current prison population.</p> <p><u>Forecast Vehicular Trip Rates:</u> TBC. Once the requested additional information has been provided to confirm the existing staff numbers and how these would apply to the shift patterns, together with validation of the associated increase in staff, I will be able to consider the trip rates provided in table 4.1 or an updated version of it.</p> <p><u>Highway Impact:</u> It is apparent from the operational staff shift patterns that the vehicular movements associated with travel to and from work will occur outside of the network peaks, and the main impact is therefore likely to be from the non-operational staff as although they work 2 shift patterns, they both would start and end near the traditional network peak hours. No analysis of the Rowett’s Way/Church Road junction has been made to consider how this will operate with the additional traffic, and this should be examined in combination with the cumulative impact from the whole prison cluster expansion proposals.</p> <p><u>Parking:</u> It’s noted that there are currently 92 parking spaces provided within two dedicated car parks on the prison site, and it is suggested that there are a further 86 parking spaces spread within the prison site. The Transport Statement confirms that it is proposed to construct an additional 40 space car park to the north of the existing visitor car park, giving a total of 218 spaces within the HMP Stanford Hill site. Based on the highest staffing figures quoted, and considering the overlap between any two shifts, the additional 40 spaces would appear appropriate for the scale of the development.</p>	<p>Further information has been requested to address KCC Highways comments in terms of the discrepancies in the submitted information re staff numbers and trip generation. Once provided KCC Highways will provided revised comments to assess the following matters development proposal; trip rates; and highway impact.</p> <p>Requested further information regarding the Travel Plan comments, including a strategy to work with the other prisons to reduce reliance on the car.</p>

APPENDIX 5

	<p>The details show 2 EV charging points within the car park, but this would not comply with Swale Borough Council's parking standards. A minimum provision of 10% active charging spaces should be provided, with the remainder being passive. 4 active charging spaces will therefore be required.</p> <p><u>Travel Plan:</u> The content of the Travel Plan is noted, but it is also acknowledged that there will be a reliance upon the car to access the site due to the nature and location of HMP Standford Hill. Whilst it lists objectives to encourage more sustainable travel options, there does seem the opportunity given the size of the prison cluster as a whole to investigate measures to reduce car use, particularly single occupancy. The numbers of staff involved and the shift patterns would suggest that opportunities exist to combine staff journeys, and a co-ordinated approach with the other prisons within the cluster should be explored.</p> <p>There are some positive measures regarding monitoring and the provision of information but no measures or recommended investment that would be likely to encourage modal shift. The applicant is requested to set up a strategy within the Travel Plan to work with the other prisons in the area with a view to reducing the need to arrive to the complex by private car and reduce the impact on the highway. This should investigate the feasibility of providing a funded mini bus service to collect staff from areas of demand on the island, for instance Sheerness Rail Station.</p>	
Environment Agency	We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.	Noted
KCC Ecology	<p>Following a review of the submission documents, no further information is required and the details are acceptable subject to conditions.</p> <p>The submitted EclA states that the proposed landscaping scheme for this application will result in ecological enhancements and a 15% Biodiversity Net Gain, achieved principally through the ecological enhancement of the current neutral grassland within the application site. A Biodiversity Net Gain (BNG) calculation using the Defra Metric V3.0 is referred to in this respect. However, we could find no such calculations in Appendix 4 of the EclA. However, we advise that this can be addressed through suitably worded conditions.</p>	The requested conditions are included within the recommended conditions list. These include the submission of a Construction Environmental Management Plan; sensitive lighting scheme; biodiversity mitigation and enhancement plan; biodiversity net gain condition.

APPENDIX 5

Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted
Southern Water	Further information has been provided about the necessary consents the applicant will need to seek from Southern Water. An informative is also recommended.	The additional information is included as an informative
Kent Police	Kent Police attended a meeting held on 2 nd March with the applicants to discuss potential concerns. Kent Police have subsequently advised that any concerns have been addressed, and no further information or condition is required.	Noted.
Lower Medway Internal Drainage Board	Provided further information for the applicant in respect of additional consents that will be required and recommend that these be sought at an early stage.	These are non-planning consents and therefore it is not a requirement that the applicant have secured the additional consents prior to the determination of the application. The information will be included as an informative for the applicant to review however.
Historic England	On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.	Noted
KCC Archaeology	<p>There is archaeological potential of the prison site through its early aviation history, its use as a Royal Naval Air Station in the First World War and subsequently RAF Eastchurch in the Second World War. It was converted for prison use in the 1950s. The prison includes a range of heritage assets associated with the aviation history of the site both as standing buildings and as buried archaeology. Although much of the heritage is undesignated there are hangers associated with the early flying ground that are Listed Buildings. In addition, there is potential for earlier archaeology within the prison site as is illustrated by the discovery of Roman remains on Standford Hill in 1967.</p> <p>The submission includes a Heritage Statement (Pegasus Group November 2021) that includes an archaeological desk-based study by SWAT Archaeology (Appendix 2). The study provides a good account of the archaeological potential of the site identifying the high potential for remains of Roman and of 20th century date associated with the aviation history of the site though no specific features are identified within the location of the development works.</p>	The requested condition to secure a programme of archaeological works is in the conditions list

APPENDIX 5

	<p>The study notes that the area proposed for the two houseblocks will be constructed on relatively undisturbed ground and could potentially affect archaeological remains. The smaller buildings will similarly be constructed on open land close to existing buildings, while the car park extension is to be built in an area that has seen some prior disturbance through the former light railway branch and buildings dating to the 1940s and 1960s. The Design and Access Statement sets out that the landfall within the site has a drop of around 3m in the area of the new accommodation blocks, 1m in the area of the proposed library and office and 0.5m in the area of the records store. Significant earthworks are needed to level the ground, particularly in the area of the accommodation blocks.</p> <p>Given the potential for buried archaeological remains to lie within the area of the proposed development works which will include excavations for ground levelling, formation of access, parking and services it will be appropriate to secure a programme of archaeological works which can be secured through condition.</p>	
--	--	--

Internal

	COMMENTS RECEIVED	OFFICER RESPONSE
<p>Environmental Health</p>	<p>Air Quality: The reviewed the submitted air quality assessment (AQ assessment). The AQ assessment suggest measures in the Travel Plan will be funded by the damage cost, however there are a number of measures which go over and above the damage cost. A condition relating to air quality mitigation measures is therefore requested.</p> <p>Noise: Agrees with the contents of the noise assessment, and recommends conditions regarding details of any plant/ducting system and construction hours</p>	<p>The requested conditions regarding air quality; dust control; noise re equipment; and construction hours are included within the recommended conditions list.</p>
<p>Climate Change Officer</p>	<p>This application aspires to BREEAM excellent which is better than our Local Plan requirements. No fossils fuels will be used in the two new houseblocks. Solar PV and Air Source Heat Pumps will be used for lighting and heating. EV charging points will be installed. Water is from a private borehole but will be metered for monitoring use. There will be a biodiversity net gain of 16%.</p>	<p>It is recommended that these elements be captured via condition.</p>

APPENDIX 5**8. APPRAISAL**

8.1 The main planning considerations are as follows:

- Principle
- Design/Visual Impact
- Landscaping and Wider Impacts
- Residential Amenity
- Highways/Transport
- Biodiversity
- Flood Risk/Drainage
- Environmental Matters (including Noise, Air quality and Contamination)
- Sustainability / Energy
- The Conservation of Habitats and Species Regulations 2017

Principle of Development

8.2 Policy ST1 of the Local Plan seeks to deliver sustainable development that accords with the settlement strategy for the Borough. The Council's spatial strategy is set out in Policy ST3 which identifies a hierarchy of 5 types of settlement. The site is not designated under ST4.

8.3 The site is classified as open countryside and therefore Policy ST3(5) is relevant. The policy directs refusal of new development proposals unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Paragraph 174 requires planning decisions to contribute to and enhance the natural environment in a number of ways, including recognising the intrinsic character and beauty of the countryside.

8.4 Paragraph 96 also highlights the need to work proactively and positively with promoters, delivery partners and statutory bodies to plan for required public service infrastructure facilities (including criminal justice accommodation).

8.5 The Planning Statement, submitted in support of the application, highlights the on-going demand for prison places and notes that:

The prison population is currently forecast to increase over the next 10 years reaching unprecedented levels by the end of the decade. The MoJ and its executive agency, Her Majesty's Prison and Probation Service (HMPPS) is embarking on an ambitious programme of prison expansion in over a century, delivering over 18,000 additional prison places through a portfolio of programmes and projects, including the 10,000 additional prison places programme.

8.6 The planning statement goes on to highlight that HMP Stanford Hill has been identified as one of the prisons which has been selected for expansion, given an identified need for further spaces in Category D prisons. To that end, permission is sought 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).

APPENDIX 5

- 8.7 The application site is located outside the built-up area settlement boundary. The nearest settlement is Eastchurch, which is a Tier 4 settlement with paragraph 4.3.69 of the Local Plan describing it as being more rural and remote in character in comparison to other settlements on the Isle of Sheppey, such as those which fall within the West Sheppey Triangle. However, the application site is situated within HMP Stanford Hill which forms part of the prison cluster along with HMP Elmley and HMP Swaleside and therefore the immediate surrounding is characterised by built form.
- 8.8 In terms of employment, the Prisons are a notable employer on the Isle of Sheppey, which provide employment to many Swale residents. The proposed development will provide new jobs during construction, long term maintenance and additional employment in the supply chain. It is therefore considered that the proposed development will meet the economic objective of the NPPF to help build a strong responsive and competitive economy (paragraph 81).
- 8.9 Given the fact that the proposal is situated within the confines of an existing prison, the wider demands for an increase in criminal justice accommodation and the policy support for enhanced public service infrastructure, it is considered that the proposal is acceptable in principle.

Design / Visual Impact

- 8.10 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 8.11 Policy CP4 sets out the requirements for requiring good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 8.12 Policy DM14 of the Local Plan sets out the General Development Criteria for development proposals. This includes a number of requirements including the requirement that proposals be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location; that any proposal provides for an integrated landscape strategy that will achieve a high standard landscaping scheme and that any proposal reflects the positive characteristics and features of the site and locality.
- 8.13 The application site area is 16.43ha; however, the proposal does not span this entire area of HMP Stanford Hill and relates to the construction of two new buildings within this wider perimeter along with the two ancillary buildings and the hardstanding for the car park.

APPENDIX 5

8.14 The new blocks to serve as criminal justice accommodation are both two storey buildings with access into the roof space. Both of the ancillary buildings are single storey. The proposals measure as follows:

Accommodation Houseblock 1:

- Height; Ridge 10m, Eaves 6.3m
- Width: 12m
- Length: 66m

Accommodation Houseblock 2:

- Height; Ridge 10m, Eaves 6.3m
- Width: 12m
- Length: 66m

Office Record store:

- Height: Ridge 5.9m, Eaves 3.8m
- Width: 6.7m
- Length: 10.4m

Library & Healthcare Office:

- Height: Ridge 5.9m, Eaves 3.9m
- Width: 15.4m
- Length: 16.9m

8.15 The new buildings are set within the context of the existing prison facilities which are made up of a series of buildings of a similar height and scale. The proposed accommodation houseblocks would be situated parallel to one another, and would be located to the south of the education and healthcare block on site and south-east of the existing accommodation block. The proposed library and healthcare office would be located adjacent to the existing healthcare block and staff car park. The proposed office record store would be adjacent to an existing Parole office in the north-western part of the site. It is considered that the proposed siting of the buildings is suitable as these would be positioned in the central location within the prison complex, or area adjacent to existing buildings. Given the existing context and the proposed scale of the buildings, the proposal is considered to be of a modest scale and appropriate for its setting.

8.16 The proposed buildings would have a simple appearance, finished in brick, cladding and a standing seam roof. This would broadly reflect the existing development on site, which are buildings of a simple design. The Urban Design Officer has commented that the proposed cladding and roof materials are suitable, but has requested that the brick should be a colour to match existing buildings on the site. The appearance of the proposals are therefore considered to be acceptable. Further details of materials, including external hardsurfacing for the extended car park area can be sought via condition.

Landscaping and wider visual impacts

8.17 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the

APPENDIX 5

NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development.

- 8.18 Paragraph 131 sets out that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.19 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal. Policy DM24 further requires that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed and that the scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment.
- 8.20 Swale's Landscape Character and Biodiversity Appraisal is also relevant as it provides a framework for Development Management decisions on matters of landscape character. The application site lies within Swale's Landscape Character Area 13 (Central Sheppey Farmlands). Some of the key characteristics of the area are described as ridge of London clay rising steeply to north and large-scale open predominantly arable landscape, with infrequent isolated orchards. The key characteristics also include the prison complex which is described in the document as a dominant feature in the open rural landscape which has a wide impact on the adjoining marshland, particularly when floodlit at night. One of the guidelines for development in this area is to minimise the impacts of external lighting at the prisons on wider landscape.
- 8.21 The site is not within a designated landscape but lies approximately 1km to the north of an Area of High Landscape Value. The prison complex is noted in the Swale Landscape Character and Biodiversity Appraisal SPD (2011) as being highly prominent in the rural landscape. The Swale Special Protection Area and Ramsar site is located approximately 2 kms from the proposal.
- 8.22 HMP Standford is located on a hillside with a height difference of over 15m from the entrance to the northwestern part of the site being developed and 3m lower to the south western part of the site being developed. The new site buildings therefore range over 18m of height difference, meaning the impact of the proposal varies depending on the viewpoint.
- 8.23 The application is supported by a Landscape and Visual Impact Assessment which sets out the impact of the proposal in this regard. It advises that the case of the proposals, mitigation should include the retention of existing vegetation where possible, introduction of new planting and a sensitive approach to materials and heights of structures so as to avoid or minimise potential impacts on the character and appearance of the area and on views/visual amenity. It advises that any proposed new buildings should not exceed the height of existing buildings on site, and the current proposals would comply with this. New planting is recommended to provide long term screening on south/south-eastern side of the accommodation blocks, provisional along the south-eastern corner of the site or, if appropriate, in a strip adjacent to the sports pitches (noting that that this land is not in the red line, but is land controlled by the applicant).

APPENDIX 5

8.24 The LVIA sets out that subject to the landscape strategy and appropriate mitigation, the proposed development is anticipated to be subservient to the scale, character and appearance of the existing built form within the prison complex (and wider prison cluster). As such, a condition has been requested regarding a landscaping scheme, with sets out that submission shall reflect the recommended landscape strategy in para 4.1 of the Landscape and Visual Appraisal (dated August 2021) to ensure appropriate screening is in place.

Trees

8.25 The application is supported by an Arboricultural report. This shows that there are a total of 114 no. trees of individual distinction, fourteen groups of trees and four hedgerows within influence of the application area. None of the trees are protected by a Tree Preservation Order and there are no conservation areas affecting the site. As a result of the works, it is proposed that 10 trees are to be removed, 5 Category B trees (4x Lombardy Poplar and 1x Horse Chestnut), 5 category C trees (1x Blackthorn, 1x Hawthorne, 1x White Poplar and 2x Sycamore) and no Category A or U trees. There are an additional two trees (1x Horse Chestnut and 1x Lombardy Poplar) by which the car park will encroach onto the root protection zone. The report concludes however that the impact will be minimal and it is not expected that this will affect the health of the trees. Tree Protection measures are detailed within the AIA. The report concludes that the impact on existing trees is negligible and this is confirmed by SBC's Tree Consultant who concludes that the scheme is acceptable subject to conditions. SBC's Tree Consultant has requested a condition which seeks a detailed arboricultural method statement (AMS) supported by technical drawings is produced that ensures the safe integration and protection of the existing trees within the scheme.

8.26 Along with securing the mitigation measures set out in the AIA, it is further recommended that a condition be imposed in respect to biodiversity net gain, which should also require additional tree planting along with other biodiversity enhancements. On this basis, it is considered that the arboricultural impacts are acceptable at this stage subject to further information being provided via condition.

Heritage and Archaeology

8.27 Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced and makes it clear at paragraph 199 that when considering the impact of a proposed development on a designated heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 of the NPPF states that any harm or loss should require clear and convincing justification. Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 196 of the NPPF requires the harm to be weighed against the public benefits of the proposals. Furthermore, paragraph 203 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

8.28 Policy 32 of the Local Plan deals with development that affects a listed building, including its setting. It advises that development will be permitted where such an impact arises

APPENDIX 5

provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved, paying special attention to the:

- a. design, including scale, materials, situation and detailing;
- b. appropriateness of the proposed use of the building; and
- c. desirability of removing unsightly or negative features or restoring or reinstating historic features.

- 8.29 The application site is not located within a Conservation area and there are no listed buildings within the application site itself. A group of four Grade II Listed Aircraft Hangars are located to the south of the Site, referred to as the 'Four Hangars'. The list entry provides the following summary: *Aircraft hangars. 1912, built by the engineers Harbrows for the Admiralty. Steel-framed, with stanchions at 10 ft centres; lower sections of party walls separating hangars and the same stratum of their front elevation are of coarse concrete blocks; corrugated iron cladding; all roofs are of felt on timber boarding. (see List Entry 1391502).*
- 8.30 As such, the development would have an impact on the setting of the heritage asset. Moreover, there are a number of non-designated heritage assets at the site which are related to the sites original use as part of its previous uses as a Royal Air Force Station. The summary of the structures and their heritage significance is set out in section 7 of the Heritage Statement.
- 8.31 The proposal would not result in any physical alternations to any heritage asset and therefore the impact is on setting only. The Heritage Statement identifies that the setting of the hangars contributes to their significance, albeit to a lesser degree than the fabric of the structures themselves. In describing the site and the setting of the hangars, the heritage statement finds that the site is considered to make only a minor contribution to the overall heritage significance of the hangars. Furthermore, the statement notes that no specific views of the hangars from the site, or vice versa, have been identified as making a particular contribution to the overall heritage significance of the assets. The Heritage Statement goes on to describe the impacts of the proposal and make an assessment of any potential harm. The statement finds that no harm arises to the heritage assets.
- 8.32 The Conservation Officer has reviewed the proposal and highlights that the location of the proposed three blocks A, B & C has been appropriately chosen to have minimum impact of the setting of the existing landscape and buildings within the prison complex. The massing and scale of the new structures is in keeping with its immediate environment and does not have an adverse impact on the non- designated heritage assets on the site. I have no objection to the proposals as presented and consider that no harm would arise to the identified designated and non-designated heritage assets, via a change in setting.
- 8.33 As the proposal does not result in harm, an assessment of the public benefits is not required in accordance with the requirements of the NPPF.
- 8.34 The site is within an area of archaeological potential, and the application has been supported by a Heritage Assessment, which includes a section on archaeology (desk-based assessment). Comments are awaited from the KCC Archaeology Team regarding the submitted information. To ensure that features of archaeological interest are properly

APPENDIX 5

examined and recorded, a condition is attached seeking a programme of archaeological work.

- 8.35 Given the location of the proposed development along with the scale, it is considered that the impact is considered acceptable and in accordance with the development plan. The proposal is therefore considered to be acceptable in respect of Heritage.

Residential Amenity

- 8.36 Paragraph 130(f) of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.37 Policy DM 14 of the Local Plan requires all development, as appropriate, to cause no significant harm to amenity and other sensitive uses or areas. It also requires developments to ensure impacts on residential amenity are minimised and to mitigate any impacts to an acceptable level in respect of safety, including noise, air quality, tranquillity and transport.
- 8.38 The application site is situated within the existing complex of the prison cluster. The closest residential property to the proposed built form is over 300m away. There are also additional buildings that form part of the prison facilities which are much closer to the existing residential properties. As such, it is not considered that the proposal will give rise to a loss of amenity from overlooking, overshadowing or being overbearing. Any additional lighting will also be at a sufficient distance to avoid an adverse impact, notwithstanding that any impact experienced will likely result from the facilities which exist already. The proposal documents set out that there will be an increase in vehicular traffic which may cause some disturbance.
- 8.39 A car park is proposed at the entrance to the site which is within close proximity to residential properties on Orchard Way (to the north-east). The proposed car park is an extension to the existing car park, on the other side of Brabazon Road (eastern side) there is a large area of hard landscaping set between existing buildings, directly to the rear of the properties on Orchard Way which is in the ownership of the Ministry of Justice (MOJ) which also appears to be used to park vehicles. The impacts associated with the car park will result from the increased movement of vehicles, however it is not considered that the impact would result in significant harm to the neighbours in terms of noise and disturbance.
- 8.40 Given the existing site conditions and the distance between the proposed buildings and any neighbouring properties, it is considered that the impact in this regard is acceptable.

Highways

- 8.41 Paragraph 111 of the NPPF sets out that development should only be refused on highways grounds when an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 92 promotes healthy, inclusive and safe places through a number of measures including ensuring streets are designed to allow easy pedestrian and cycle connections within and between neighbourhoods. This is further emphasised in Paragraph 104.

APPENDIX 5

- 8.42 Policy DM6 sets out the requirements for managing transport demand and impact. The policy requires development proposals involving intensification of any existing access onto a strategic, primary or other route will need to demonstrate that it is of a suitable capacity and safety standard or can be improved to achieve such a standard. Policy DM 7 requires compliance with the Swale Vehicle Parking SPD. The policy further requires cycle parking facilities on new developments to be of an appropriate design and in a convenient, safe, secure and sheltered location. Policy DM26 directs refusal of applications that either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Church Road to the north of the site is classified as a rural lane.
- 8.43 The application is supported by a Transport Statement, which has been provided to assess the impact of the proposed development. As a result of the proposal, the Transport Statement sets out that the development is anticipated to result in an uplift of 32 two-way trips on a daily basis which equates to an uplift of 26% against the existing movements.
- 8.44 KCC Highways have reviewed the information provided within the application and advised that there are discrepancies in the submitted information regarding staff numbers (including shift pattern and officer to prisoner ratio) and trip generation. As a result, it has not been possible to provide comments regarding the development proposals, trip rates until this information is provided. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters.
- 8.45 With regard to the impact upon the highway network, KCC Highways advised that from the operational staff shift patterns that the vehicular movements associated with travel to and from work will occur outside of the network peaks, and the main impact is therefore likely to be from the non-operational staff as although they work 2 shift patterns, they both would start and end near the traditional network peak hours. No analysis of the Rowett's Way/Church Road junction has been made to consider how this will operate with the additional traffic, and this should be examined in combination with the cumulative impact from the whole prison cluster expansion proposals. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters.
- 8.46 Furthermore, KCC Highways have requested that the submitted Travel Plan could be revised to investigate measures to reduce car use, particularly single occupancy given the size of the prison cluster as a whole. The applicant is therefore requested to set up a strategy within the Travel Plan to work with the other prisons in the area with a view to reducing the need to arrive to the complex by private car and reduce the impact on the highway. The advice sets out that this should investigate the feasibility of providing a funded mini bus service to collect staff from areas of demand on the island, for instance Sheerness Rail Station. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters. For example, there is currently a pending application at HMP Elmley (ref 21/506787/PSINF) which seeks a houseblock for up to 247 prisoners, new ancillary buildings, new sports pitches and extension to the car park of 80 spaces. The Travel Plan could address KCC Highways comments in context with other proposed development in the prison complex.

APPENDIX 5

- 8.47 In terms of car parking provision, the application proposes a car park to accommodate an additional 40 spaces. This is on top of the existing 178 vehicular parking spaces within the HMP Stanford Hill Prison site boundary, creating a total of 218 vehicular parking spaces to serve the scheme. KCC Highways advise that the proposed additional parking would appear appropriate for the scale of the development.
- 8.48 Swale's Parking SPD requires that 10% of parking spaces be provided as Active Charging Spaces with all other spaces to be provided as Passive Charging Space for Electric Vehicle Parking. The submitted plans only show the provision of two EV charging points, whereas the proposals would require 4 active charging points with the remainder having passive provision. As such, a condition seeking details of EV charging points has been included.
- 8.49 Church Road, which leads onto Brabazon Road where the application site is located, is classified as a Rural Lane in accordance with Policy DM26. The policy directs refusal whereby there would be an adverse impact on the character of the rural lane. Whilst the proposal would result in an uplift of vehicle movements, the road is already characterised as the access road into the prison complex serving both HMP Elmley (which has capacity for 985 prisoners) and HMP Swaleside (which has capacity for 1,112 prisoners), as well as HMP Stanford Hill (which currently has 464 prisoners, without the current proposal). It is also noted that Church Road is the only access road into the prison complex and therefore if the prisons are to expand in accordance with the MOJ's ambitions (which are set out earlier in this report) then the road will undoubtedly have to accommodate an increase in movement. As such, given the existing context and the need for additional criminal justice accommodation, the impact on the rural lane is considered acceptable.
- 8.50 The Parish Council have raised concerns regarding highway safety, outlining that the proposed development will exacerbate existing safety issues regarding speeding resulting in dangerous access onto Church Road from residential streets, and safety concerns for pedestrians. The Parish Council note the interactive speed sign previously installed as a measure to reduce vehicle speeds along Church Road had little effect, and have since fallen into disrepair and have been removed. Their comments outline that traffic calming measures should be requested via a S.106 agreement and joint working between the Ministry of Justice (MOJ), Swale Borough Council (SBC), and Kent County Council (KCC) as set out below;

"The road infrastructure is already unsuitable for the existing prison sites. Before any further increase and expansion to any of the prisons on the cluster, the road infrastructure must be addressed through a S106 agreement with a robust report on how to permanently mitigate speeding on the immediate surrounding roads and to provide safety for the residents in the area through robust traffic calming, such as full width speed cushions or chicanes with designated crossing points near the junction of Orchard Way and Brabazon Road. The Parish Council would be keen to enter into dialogue with the MoJ so that a satisfactory resolution could be found.

With the cumulative impact of the traffic increase, the safety of the existing residents is once again being ignored. A developer contribution should be sought from MoJ by KCC and SBC in order to mitigate costs of permanent resolution and protection of the environment, highway and safety of residents and users. The MoJ need to take a

APPENDIX 5

proactive approach to its responsibility as the main source of the traffic and provide a future proof solution for all parties with the continuing expansion.”

- 8.51 In response to the above, the application team for this application and for the HMP Elmley application met with Eastchurch Parish Council on 16th March 2022 to discuss their concerns, and potential traffic calming measures along Church Road. The applicants sought a meeting with Kent County Council Highways Department to discuss traffic calming and potential costs for these, however at the time of writing this report the meeting has not taken place.
- 8.52 It should be noted that the applicants have not submitted a scheme for potential traffic calming measures to be reviewed by KCC Highways. Any traffic calming measures would be outside the red site boundaries of both applications at HMP Standford Hill, and HMP Elmley (ref 21/506787/PSINF), as these would likely to be located outside MOJ land on Church Road. As such, these building would require separate consent under a section 278 agreement.
- 8.53 KCC Highways will be asked to consider the parish council concerns, including potential for traffic calming measures alongside the updated highways information when this is submitted.

Biodiversity

- 8.54 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal. The NPPF further requires development to provide provision and use of community facilities, which includes open space.
- 8.55 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development. Paragraph 180 of the NPPF sets out the principles by which planning applications should be considered against in respect to habitats and biodiversity.
- 8.56 The application site is located within 6km of the SAMMS strategy given the sites proximity to nearby Special Protection Areas. These are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires appropriate steps to be taken to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special

APPENDIX 5

features therein. For such applications, a contribution is requested. Given the fact that the proposal relates to Criminal Justice Accommodation as well as ancillary facilities and parking, the proposal is not of the residential nature that would trigger a contribution.

- 8.57 The judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” Again, as the proposal is not the type of development that would give rise to the adverse impacts associated with some forms of new development, an Appropriate Assessment was not considered necessary in this instance.
- 8.58 It is noted that Natural England have been consulted on the application and have not requested a contribution nor an appropriate assessment. Instead, they have advised that no objection is raised.
- 8.59 The application is also supported by an Ecological Impact Assessment prepared by EPR. This has been undertaken to understand any ecological constraints, any mitigation measures that may be necessary, any additional survey work that may be required and to identify opportunities for ecological enhancement.
- 8.60 The site primarily consists of multiple buildings with associated hardstanding, amenity grassland, a mosaic of ephemeral/short perennial and bare ground, scattered trees, treelines and species-poor hedgerows.
- 8.61 In terms of habitats, the report notes that given the managed nature of the grassland, it is very limited in terms of ecological importance although is suitable to support some notable species. There are also linear habitats present on site in the form of treelines or hedgerows. Further scattered trees are also present along with a resident run allotment.
- 8.62 The supporting report sets out that whilst the site was considered unsuitable for roosting bats, the habitat was considered suitable to support commuting and foraging bats. The site provides suitable foraging habitat for badgers in the local area. The site is considered to have low potential to support dormice due to the habitats present and the lack of records of dormice in the data searches. The scrub habitat along the edges of the site are linked to the habitat surrounding ponds where GCN have been identified. Most of the site is unsuitable to support reptiles; however, there are records of reptiles in the wider surrounding area as such the site has a low potential for reptiles. The trees, and scrub on site provide suitable nesting habitat for bird and the scrub on site is suitable to support hedgehog. The impact is considered to be minor.
- 8.63 In terms of species, no evidence of badgers, dormice, invertebrates, great crested newts and common amphibians was identified. The supporting documents notes evidence of bats within a 2km radius. Further survey work in 2020 and 2021 identified several of the trees on site may contain features with the potential to support bat roosts and highlights that the potential need for further survey work in the form of tree climbing inspections or emergence surveys on trees deemed to have greater than low suitability for bats. Common bird species were noted flying through the site, mitigation includes removal of trees outside of nesting season and where this is not possible, inspection by an appropriately qualified ecologist. The update EA identified areas of grassland on Site which have the potential to provide foraging, commuting, refuge, and hibernating

APPENDIX 5

opportunities for common reptiles (likely common lizard, grass snake and slow worm). The Site is well connected to the wider landscape; therefore, it is possible that reptile species could be utilising suitable habitats on site. A reptile survey was carried out on site in 2021 and no reptiles were identified on site. However, given the site conditions, it is recommended that works be undertaken under a Working Method Statement, including a staged habitat clearance measure. The site provides suitable foraging habitat for Hedgehogs and mitigation measures, such as further checks prior to clearance followed by a relocation strategy are recommended.

- 8.64 The submitted EclA states that the proposed landscaping scheme for this application will result in ecological enhancements and a 15% Biodiversity Net Gain, achieved principally through the ecological enhancement of the current neutral grassland within the application site. KCC Biodiversity have reviewed the submitted information and advise that further information is required via condition to ensure a 15% Biodiversity Net Gain as described.
- 8.65 KCC Ecology and Natural England have both been consulted and raise no objection subject to the necessary restrictions being imposed on the consent.

Flood Risk and Drainage

- 8.66 Policy DM21 of the local plan sets out the requirements for water, flooding and drainage. The policy sets out a series of 10 criteria by which developments should adhere to. The Local Plan is consistent with the requirements of the NPPF which directs development away from areas of highest flood risk.
- 8.67 Using the Environment Agency flood risk map, it can be seen that the application site is located within Flood Zone 1, meaning it is an area with a low probability of flooding. Planning Practice Guidance confirms that the aim is to steer new development to Flood Zone 1. In respect of the Flood Risk Vulnerability Classification the health facility/library and admin room are classified as 'less vulnerable' whilst the criminal justice accommodation is considered to be a residential institution and is therefore classified as 'more vulnerable'. Within Flood Zone 1, Table 3 of the Planning Practice Guidance confirms that 'less vulnerable' and 'more vulnerable' uses in Flood Zone 1 are appropriate and an exception test is not required.
- 8.68 As the application site is greater than 1 ha a Flood Risk Assessment (FRA) is required. Such an assessment has been carried out by the applicant and the submission is supported by an FRA. The proposed surface water drainage strategy is set out in section 5, the Foul Water Drainage strategy is set out in section 6 along with the Operation and Maintenance in Section 7. The supporting FRA confirms that these proposed extensions to the prison complex will not increase the risk of flooding in surrounding areas. It is noted that foul drainage is dealt with under separate legislation and therefore it is not generally reasonable to impose a foul drainage condition; however, a condition requiring compliance with the flood risk assessment along with conditions relating to surface water drainage are recommended.
- 8.69 KCC Flood and Water Management have been consulted on the proposal and confirm that they raise no objection to the proposal subject to the imposition of conditions. Southern Water have also been consulted and confirmed that the proposal is acceptable subject to the imposition of conditions.

APPENDIX 5

8.70 The principle of development categorised as ‘more vulnerable’ and ‘less vulnerable’ in Flood Zone 1 is considered acceptable. The application is supported by the necessary assessments and has been subject to relevant consultation which has found the proposal to be acceptable. If Members are minded to permit the application, the recommended conditions have been set out later in this report.

Sustainability / Energy

8.71 The NPPF supports proposals for improvements to environmental sustainability, placing sustainability at the heart of the framework. Paragraph 152 requires the planning system to support the transition to a low carbon future in a changing climate, including the requirement to help shape places in ways that contribute to radical reductions in greenhouse gas emissions. Paragraph 154 goes on to require new development to reduce greenhouse gas emissions, such as through its location, orientation, and design. This is further iterated in Paragraph 157 which sets out that in determining planning applications, new development should take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

8.72 Policy DM19 of the Local Plan requires development proposals will include measures to address and adapt to climate change. The ways in which this shall be achieved are then further detailed in the policy; including measures such as use of materials and construction techniques which increase energy efficiency and thermal performance; promotion of waste reduction, re-use, recycling and composting; and design of buildings which will be adaptable to change and reuse over the long term and which include features which enable energy efficient ways of living, for example.

8.73 Policy DM21 also requires that new residential development, all homes to be designed to achieve a minimum water efficiency of 110 litres per person per day.

8.74 In addition to the above, the Council has declared a Climate Change and Ecological Emergency and applications are expected to demonstrate how they incorporate all reasonable sustainable design and construction measures within the scheme in order to minimise environmental impacts. This can include measures such as electric vehicle charging points; solar panels; passive energy measures, as examples. The report does note however that, it is not possible to connect to local district heating network.

8.75 The application is supported by an Energy Statement which sets out the measures employed as part of the proposal. The building has been designed using off-site modern modular means of construction. Building elements are manufactured off-site to high standard specifications. Some of the passive measures involve technics such as, using high performance glazing, promotion of natural lighting and high level of air tightness (beyond building regulation minimums). Further consideration has been given to renewable energy technologies, some of which have been discounted as they were found to be unsuitable, this is set out in more detail in the Energy Statement. The assessment found; however, 300m² of solar panels can be provided on each accommodation block. Additionally, Air Source Heat Pumps (ASHPs) are to be installed for all space heating and domestic hot water generation, delivering a low carbon heating and hot water solution via a renewable technology to the Accommodation Blocks. The report confirms that no fossil fuel is to be employed in these all-electric buildings, offering

APPENDIX 5

the opportunity for all energy to be via low carbon electricity sources. The proposal also includes electric vehicle parking provision.

- 8.76 The application is also supported by a BREEAM pre-assessment which sets out that the development is targeted at a BREEAM score of 77.31% which would place the proposal comfortably within the 'Excellent' range (which is 70% and above). This rating is higher than that which is required by Policy DM19 which sets out that all new non-residential developments will aim to achieve BREEAM 'Good' standard or equivalent as a minimum. The policy all sets out that all new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM "Very Good" standard or equivalent as a minimum.
- 8.77 The Climate Change Officer has been consulted and raised no objection on the proposal. It is recommended that conditions be imposed requiring full details of the renewable energy measures be submitted and requiring compliance with the energy statement.

Environmental Matters*Noise*

- 8.78 NPPF Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment. The paragraph requires a number of measures to achieve this including by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of environmental impacts including noise pollution.
- 8.79 Paragraph 185 requires that planning decisions ensure new development is appropriate for its location taking account of the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The paragraph notes that this includes a requirement to mitigate and reduce to a minimum any potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.80 Paragraph 187 further states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Further stating that existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 8.81 The application is supported by a noise assessment which sets out the process by which an assessment was made and notes that the current noise sources affecting the proposed development come from within the prison site itself. The accommodation is expected to be naturally ventilated via open windows. The report concludes that the resultant internal ambient noise level would be expected to achieve the appropriate limited (35dB during the day and 30dB during the night). The internal ambient noise levels within the library and healthcare office would also satisfy the limits (50/55dB).

APPENDIX 5

- 8.82 Members will have noted above that the Environmental Health Team raise no objection subject to conditions. Overall, the scheme is considered acceptable in this respect.

Air Quality

- 8.83 The application has been supported by an Air Quality assessment (AQ assessment) which has been reviewed by the Environmental Health team. The comments note they are broadly satisfied with the submitted information. The AQ assessment suggest measures in the Travel Plan will be funded by the damage cost, however there are a number of measures which go over and above the damage cost. A condition relating to air quality mitigation measures is therefore requested.

Contamination

- 8.84 Paragraph 183 of the NPPF requires sites to ensure they are suitable for the proposed use, including consideration of contamination. Paragraph 184 places the responsibility onto the developer and/or landowner for ensuring the site is safe.
- 8.85 To ensure the application site is safe for its intended use, it is recommended that the applicant be required to submit a contamination report prior to the commencement of development and a contamination verification report prior to occupation to ensure the works have been carried out in accordance with the approved method statement. It is also recommended that a further condition be imposed to deal with any unexpected contamination that is not foreseen as part of the initial contamination report.
- 8.86 Members will note the Environmental Protection Team raise no objection to the application subject to the imposition of the recommended conditions.

Unexploded Ordnance (UXO)

- 8.87 The application is supported by a UXO survey as Records have been found indicating that at least 500No. High Explosive (HE) bombs fell on Royal Air Force (RAF) Eastchurch, encompassing the Site, during several heavy air raids in World War Two (WWII). Given the intensity of the bombing and the severe damage caused to the airfield facilities, it is considered that there is an elevated probability that a UXB fell on the site unnoticed. The report sets out that to proactively mitigate the risk prior to excavations, it is recommended that a non-intrusive UXO survey is undertaken to map shallow-buried UXO. In some areas, a geophysical survey may not be possible due to access restrictions. In this instance, it is considered practical for an EOC engineer to attend site and supervise during excavation works. To clear borehole or pile positions of potential UXB, an intrusive magnetometer survey should be undertaken.
- 8.88 To ensure compliance with the requirements set out in the UXO survey report, it is recommended that a condition be imposed requiring works to be carried out in strict accordance with the methodology and mitigation measures set out in the report.

9. CONCLUSION

- 9.1 It is considered that the proposals for the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store,

APPENDIX 5

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.

- 9.2 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.
- 9.3 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.
- 9.4 As set out within the report above there are outstanding highway matters that will need to be addressed before the determination of the application. The requested highway information has been sought from the applicants, and will be reconsulted on. Members will be updated regarding this at the committee meeting, or via tabled papers.

10. RECOMMENDATION

GRANT – Subject to the following conditions and comments from KCC Highways (including requested conditions), and with 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

APPENDIX 5

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 Library 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.

APPENDIX 5

- 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.

APPENDIX 5

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

APPENDIX 5

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.

APPENDIX 5

- 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

APPENDIX 5

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

APPENDIX 5

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

APPENDIX 5

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.

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

APPENDIX 5

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 Stanford 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 brought 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.

INFORMATIVES

National Highways

APPENDIX 5

To demonstrate compliance with Condition 29 (Delivery Hours), records shall be kept of all movements into or out of the site (timings /registration numbers) and shall be made available on request (7 days' notice) to the Local Planning Authority and/or, Strategic or Local Highway Authority.'

The Construction Management Plan as required by Condition 3 shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, National Highways Planning Response (NHPR 21-09) September 2021 frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

KCC Biodiversity

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

KCC Archaeology

The archaeological works should take the form of an initial stage of evaluation trial trenching that is targeted at the areas of impact of the new buildings and the access road to the accommodation blocks. Following the evaluation there may be a need for further stages of archaeological work depending on the results. Given the disturbance in part of the area of the proposed car park extension, archaeological mitigation can be addressed in that area through an archaeological watching brief.

Southern Water

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

Lower Medway Internal Drainage Board (IDB)

Please refer to the consultation response dated 29/10/21 for guidance on any potential required consents under the Land Drainage Act 1991 and Byelaws.

APPENDIX 5

Council's Approach to the Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) 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. In this instance, pre-application advice was sought prior to submission. During the application process, further supporting information was required along with revisions to the proposal; following which the application was considered acceptable and approved without delay.

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.

