

## **Development Control Committee**

### **3 August 2022**

#### **Planning Application DC/21/2418/FUL – HMP Highpoint (South), Haverhill Road, Stradishall**

**Date registered:** 20.12.2021                      **Expiry date:** 21.03.2022

**Case officer:** Gareth Durrant                      **Recommendation:** Approve application

**Parish:** Stradishall (and Hundon)                      **Ward:** Clare, Hundon and Kedington

**Proposal:** Planning Application - Construction of 3 x 4 storey houseblocks, new pharmacy, property store, healthcare, education/ vocational training, kitchen, commercial workshop and laundry buildings, 3 x MUGA1s and running track, extension to gatehouse and gym within the secure perimeter fence, together with additional car parking, a new off-site property store, landscaping and external lighting.

**Site:** HMP Highpoint (South), Haverhill Road, Stradishall

**Applicant:** Ministry of Justice

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

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## **Background:**

**This planning application is reported to the Development Control Committee as the proposals are for 'major' development and the officer recommendation is contrary to the views of the Parish Council.**

## **Proposal:**

1. Detailed (full) planning permission is sought for various buildings and other infrastructure which represent an expansion of the capacity and support facilities at the prison site. The existing prison capacity is around 1,300 inmates. The application proposals are seeking planning permission for an additional 744 bed spaces which represents an increase of about 57% (maximum capacity).
2. The main vehicular access to the existing prison car park would remain unaltered from Lancaster Way, whilst an existing service access off 'Steeple Chase' would be improved to provide vehicular access to a new secondary/staff car park.
3. The planning application includes the following projects:
  - Three new 4-storey accommodation blocks are proposed towards the south-western corner of the site. The designs are standardised 'T-60's'. The design of the blocks has been developed for use in various locations on sites across the country as part of the national 3000 new places expansion programme. Each block can accommodate up to 248 prisoners across the four floors. The 'T-60' building comprises three accommodation wings connected to a central support wing and there are six differing types of en-suite bedrooms.
  - A new 2-storey building for vocational education and workshops, including a multi-faith area. The building has a 'shark-tooth' design to its roof and would be constructed with contemporary materials (pre-cast concrete and metal faced 'sandwich' panel with a standing seam, red brick and metal cladding to the roof.
  - New industrial workshops (to link into the existing industrial workshops). The building is mainly single storey with mezzanine walkways at first floor level to replicate those in the existing workshop buildings. The building therefore takes on a two-storey scale, with increased heights to the four workshop areas. The building plinth would be constructed with stack-bond blockwork and pre-cast concrete panels. Over these, the walls would be constructed with standing seam wrap with translucent clerestory glazing provided to the inset gable ends.
  - A new single-storey kitchen building (to replace the existing kitchen that would be of an inadequate size following expansion). The building is to comprise factory-produced, pre-engineered modular units that are delivered to and assembled on site. The modular substructure would then be 'clad' with external brick at a low level and metal cladding at a higher level. Metal profile sheeting would be applied to the roof.
  - Healthcare building. This new single-storey building would replace existing healthcare facilities. Like the kitchen building, the health care

building would also be a modular construction, assembled on site. The external walls are to be finished with concrete sandwich panels, integrated into the structure. These are to be applied for security reasons. The roof and upper areas would be clad with metal composite insulated panels, connected with standing seams.

- A new single storey property storage building would be used for storage of items associated with the prison. The walls and roof of the building would be 'wrapped' with metal cladding above a brick plinth.
- A single-storey external storage building is proposed outside of the secure prison perimeter. The additional storage capacity is required to service the prison expansion. The building is treated externally similarly to the property storage building with wrap around cladding, albeit the brick plinth is much higher in comparison.
- The existing security gatehouse positioned adjacent to the pedestrian entrance into the secure part of the prison site is proposed to be expanded in order to accommodate the increase prison places. The extension takes the form of a 'lean-to' extension and allows the internal layout of the existing building to be re-configured and to accommodate electronic security scanning equipment. The Design and Access Statement explains this will not only help with the increased visitor footfall that will occur following the expansion but also seeks to speed up the bureaucratic processes for getting staff and visitors into and out of the prison.
- The existing gym building within the prison needs to be expanded in order to accommodate a larger population. A single storey linked extension is proposed. This would be constructed of materials from the same palette range selected for all of the buildings. Opportunity will also be taken to upgrade the existing dilapidated 'MUGA' facility – a 5-a-side football pitch and 25m sprinting track is to be provided.
- A new pharmacy facility is proposed. The design of the pharmacy differs from the theme of the other ancillary buildings proposed in the planning application insofar as it is designed to mimic the form of the existing prison building in its shape, massing, roof materials and shape.
- A couple of existing buildings within the secure prison site are to be re-purposed and used for different activities. The changes to the building would all be internal and as there would be no external changes, these aspects are not included for consideration in the planning application. Further details are included at S.8 of the Design and Access Statement.
- A new car park is proposed to the south of the prison. An existing private access and private road would be improved (from Steeple Chase) to provide vehicular access to the car park. The car park is aimed at staff parking but will also be used for over-spill parking for professional and personal prisoner visitors. The location of the car park has been moved since the planning application was submitted. The additional car parking was initially proposed to the north of the prison site in two, smaller areas. The applicant decided to re-locate these, following receipt of objections from local residents who raised various concerns about the location and impact of the parking areas adjacent to existing dwellings. The new

location to the south of the prison is away from existing private residential areas which are situated to the north-east of the prison site.

4. Amendments were made to the application during the course of its consideration involving changes to locations of the additional car parks. These changes were the subject of further public and stakeholder consultation. All comments received in response to consultations (including those received outside consultation periods) are reported below.

**Application supporting material:**

5. The planning application (as supplemented/amended) is accompanied by a range of plans and documents. At the request of the applicant many of the documents (the plans in particular) have remained confidential throughout the consideration of the planning application, do not appear on the website and have not formed part of public consultations. The statutory consultees were permitted to receive the confidential information on the basis that they too treated it in confidence. Therefore the 'consultee' comments are based on a full suite of documents whilst the representations (including Parish/Town Councils and the wider public) were based only on part of the information.
6. The officer presentation to the Committee will be based only on the material that is openly available in the public domain. Committee Members will be given access to the confidential information accompanying the Committee papers via a restricted link. This will be made up of two parts. The first part will include the confidential documents within the application submission which do not appear on the Council website. The second part will include the representations of the Suffolk Police Authority which they have requested be treated in confidence.
7. The 'public' documents are as follows:
  - Application form, including ownership and agricultural declarations.
  - Location plan
  - Landscape & Visual Assessment
  - Framework Travel Plan
  - Transport Statement (including addendum)
  - Ecology Report (including addendum)
  - Flood Risk Assessment
  - Drainage Strategy
  - Acoustic Report
  - Arboricultural Impact Assessment
  - Odour Impact Assessment Report
  - Design and Access Statement
  - Planning Statement
  - Plans of Proposed Car Parks (Superseded and Amended plans)
  - Site Masterplan (High level plan showing siting of the proposed developments)
  - BREEAM Pre-Assessment
8. The confidential documents are as follows:
  - Elevations and floorplans (except for the illustrations included in the public documents – e.g. the Design and Access Statement)
  - Detailed site Layout plans

- Geotechnical and Geo-Environmental Desk Study
- Drainage Plans
- Energy Statement

### **Site details:**

9. The application site is the southern component (south of the Haverhill Road) of the existing (Men's Category C) High Point prison. The majority of the development included in the planning application would be built within the secure part of the prison site, although there is some development, including a new car park, on the parts of the prison estate outside of the secure fence.
10. The prison is located in Stradishall (and has a Stradishall postal address) but a large part of the south estate is also located in the parish of Hundon. The prison site is situated about 6 miles to the northeast of Haverhill and is served by the A143 east/west route between Haverhill and Bury St Edmunds.
11. The prison takes its main vehicular access from Lancaster Way to the north-east and there is also a minor patrol access from Steeple Chase (Lancaster Way moves into Steeple Chase at the main point of access into the prison site). It is proposed to access the proposed new car park from the existing (and improved) access off Steeple Chase. This route would also accommodate the construction traffic.
12. The prison site was formerly used as an airbase and was converted into a Prison during the 1970's a while after the base became surplus to national defence requirements. There is a cluster of former military personnel housing (now in private ownerships) to the north-east of the prison. Open agricultural land sits to the east (on the opposite side of Lancaster Way). There is a large solar farm adjacent to the southern boundary whilst the A143 and High Point north prison are situated to the north. To the west there is unused grassland and a waste-water treatment works. Stirling House, once part of the military base, but now re-purposed as a training and conference centre, is situated to the north-west.

### **Planning history:**

13. In 2008 and 2009 separate planning applications were received for various CCTV cameras and lighting columns, but before the current planning application, there were no planning applications registered for significant development at the prison site (High Point South) prior to the current proposals.

### **Consultations:**

14. As already stated above, many of the documents which accompany the planning application (the plans in particular) have remained confidential throughout its consideration, do not appear on the website and have not formed part of 'public' consultations. The statutory consultees did have access to confidential information if they needed it and this was on the basis that they too treated the information in confidence. The 'consultee' comments set out below are therefore based on a full suite of documents

whilst the 'representations' in the next section of this report (including Parish/Town Councils and the wider public) were not based on all of the information.

15. Full copies of all consultation responses received in relation to this planning application can be accessed on the Council's website. This is with the notable exception of the confidential comments received from the Police Authority. These are reproduced for the Committee in the confidential section of the papers.
16. This section of the report includes a summary of the key matters arising out of correspondence received.
17. The planning application was received and registered in December 2021 with amendments to the car park locations subsequently submitted in March 2022. Addendums to the Transport Assessment and Ecology report were both received in June 2022 and were the subject of further targeted consultations. All of the responses received to the consultations are reported below (noting the Suffolk Police Authority comments are included in the confidential papers only).
18. **Suffolk Fire & Rescue (December 2019):** The Water Officer submitted advisory comments in relation to access for fire-fighting facilities and the benefits of installing sprinklers.
19. **Anglian Water Services (January 2022):** Draw the applicants attention to their assets close/within the site and provide guidance as to addressing the matter. Confirm that foul drainage from the development is in the catchment of Stradishall-Highpoint Water Recycling Centre which currently does not have available capacity for the additional flows but note it is obligated to accept the foul flows from the development (with the benefit of planning permission) and would therefore take the necessary steps to ensure there is sufficient capacity should planning permission be granted. The company also advises it will need to work closely with the applicant to ensure it can plan effectively for the proposed development and that any infrastructure improvements are delivered in line with the development. To that end Anglian Water has requested that a condition is imposed upon any planning permission granted requiring a scheme for on-site foul water drainage works, including connection point and discharge rate, to be submitted to and approved in writing by the Local Planning Authority and thereafter carried out at the appropriate time. Anglian Water also offers advice to the developer about SuDS.
20. **Environment Agency (January 2022):** advise the site is located above a Principal Aquifer and within a Source Protection Zone and the developer should address risks to controlled waters from contamination at the site. The Agency goes on to advise in relation to infiltration and SW drainage.
21. The **West Suffolk CCG** (January 2022) - Due to the restricted nature of the proposal it is difficult to assess the impact it could have on healthcare provision in the area. The likelihood however is that there will not be any impact on primary care in the area and we therefore will not be requesting access to the confidential documents.

22. **Suffolk Constabulary** – comments have been received but were marked confidential. A copy of the letter received from the Police Authority is made available to Members of the Committee as part of the pack of confidential papers.
23. **SCC Highways Development Control (April 2022)**: confirmed they objected to the proposals and provided the following comments:
- The Highway Authority refrains from recommending approval, subject to conditions, at this stage because it is not clear that the scheme can be made acceptable, in terms of impact on the highway.
  - The aspects of the proposal relating to the gate house and external storage facility are acceptable because they would not have a direct impact on the highway. The same principle applies to the proposed site layout of the other secure facilities.
  - The Authority expressed concern about the original location of the car parks to the north of the prison site from a highway safety point of view. Full reasons are not set out in the report given the proposals have been amended and the car parks re-located to a single position to the south of the prison.
  - A construction access is proposed on the site's southern boundary from the southern end of Lancaster Way and then Steeple chase. Steeple chase is a single width road without pedestrian provision or clear passing spaces. It is unclear that this would be suitable location for a construction access. This matter was addressed to the developer's design team but no further considerations have been made available for our review.
  - We are sensitive to the security demands of this site and accept that this route maybe non-negotiable. However, we do request that the matter is considered as there may be a better alternative option.
  - Because of the location of the car parks and the fact that they can be conveniently accessed from the Stirling House entrance it is unclear what level of vehicle movement intensification will occur at the Lancaster Way junction. As a result of this uncertainty we are unable to ascertain if junction capacity will be sufficient to prevent excessive queuing at the junction.
  - We note that the application has not brought forward any highway improvements at this location but the applicant should review whether increased queuing could be mitigated by the provision of a right turn lane on the A143 for east bound vehicles.
  - We understand that there is pedestrian movement from the site to the convenience store and cafe on the northern side of the A143. Presently there is no formal pedestrian crossing point across this busy carriageway and it is suggested that matter is reviewed to identify any improvements that could be provided by the development.
  - Lancaster Way does not benefit from a footway or a clear pedestrian route from the site. The application has not provided detail about this off-site matter but we recommend that the matter of improving

pedestrian connectivity between the site and local facilities is considered please.

- The Highway Authority have been advised by Suffolk Constabulary that a reduction to the existing 40mph speed limit to 30mph may be merited for improved highway safety. Accident history records that 9 reportable accidents have occurred in the vicinity of the site in the last five years (2017-2021). The Constabulary have indicated that the introduction of speed safety cameras may be necessary. The Highway Authority would not object to these improvements.
  - Whilst it is acknowledged that the vast majority of movements to the site will understandably be by private vehicle we have a NPPF requirement to review sustainable travel and secure improvement measures if possible. The Framework Travel Plan 5.6 confirms the provision of secure cycle storage facilities for staff but I have not been able to identify the proposed location from the plans provided. We recommend that the location and details of the secure cycle storage are evidenced on a revised plan so that they can be reviewed in terms of capacity, security and convenience.
  - We note the review of public transport by way of bus. The proposal has not brought forward any measures to improve bus stop facilities. Funding for improvements could be requested by the Passenger Transport Team under S106. The Highway Authority would support such improvements if they can be secured.
  - The Highway Authority note the objections submitted by Haverhill Town Council, Hundon Parish Council and Stradishall Parish Council. The objections all raise highway related matters related to the A143 safety and inconvenience arising from the proposed parking arrangements. The Highway Authority share these concerns and request the matters raised are addressed by the application.
  - According to the NPPF s111 the Highway Authority should only object to development if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  - Insufficient information has been provided to the Highway Authority for us to conclude that an unacceptable impact on highway safety will not occur or that the residual impact on the road network would not be severe.
24. In July 2022 following submission of an addendum to the Transport Assessment to address concerns received from the Highway Authority and Police Authority and following meetings with the applicant's highway consultant, **SCC Highways Development Control** lifted its objections to the planning application and provided the following comments to clarify its position:
- We have reviewed the Transport Statement Addendum and are now satisfied that the applicant's assessment is robust and that no A143/Lancaster Way junction improvement works are required to mitigate the increased vehicle movements.

- The applicant has evidenced that there is no expectation of increased footfall from the site to the local facilities. This is accepted.
  - Design work to evidence improvements to Lancaster Way and Steeple Chase have commenced and our Technical Approval team have indicated what information needs to be provided in a future S278. This will be progressed after determination and can be appropriately conditioned.
  - The Highway Authority notes that Suffolk Police have recommended a speed limit reduction to 30 mph for a section of the A143 that passes to the north of the site. In the absence of any junction improvement works we support this provision.
  - Conditions were recommended to address the following matters – Construction Management; Improvements to Lancaster Way and Steeplechase carriageways; Photographic condition survey of Lancaster Way and Steeplechase; provision of the new car park.
25. **SCC Flood & Water Management (January 2022 and April 2022)** – recommend approval, subject to standard drainage conditions.
26. **SCC Archaeology (February 2022):** “Based on the information submitted, I would advise that we would not consider the proposals likely to have a significant impact on below ground remains (largely due to previous ground disturbances). We would also not advise a need for any building recording”.
27. **SCC Development Contributions Manager (January 2022)** – Do not wish to comment (no developer contributions requested).
28. **Place Services (Consultants proving advice for West Suffolk Council planning department) – Landscape (March 2022)** – provided the following advice and recommendations:
- The application has been supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA has been carried out in line with the principles set out on the third edition of "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3) and all visual representation accords with the Visualisation Representation of Development Proposals Technical Guidance Note (TGN) 06/19 (Landscape Institute, September 2019). The assessment includes a review of the landscape and visual baseline, assessment of landscape and visual receptors, as well as a landscape strategy for the proposed development.
  - The LVIA document concludes that the “maximum significance of potential landscape effects arising during both the construction and operational phases is likely to be Slight”, whilst visually, the significant impact is constrained to 1no. visual receptor, Chestnut Rd residential receptors, where the daytime and night-time effects will be large for the first year of operation, reducing to moderate by the fifteenth year of operation.
  - We generally agree with these findings, though to accord with Policy DM13: Landscape Features of the Joint Development Management

Policies Document (2015) we would recommend infill planting is undertaken on the A143 / Proposed Car Park boundary. Given vegetation clearance needs to be undertaken, and there are other existing trees that have died and need removing, we have concerns that the extent of removal may have a detrimental impact on the density of this vegetation boundary, in turn impacting character and visual amenity.

- Furthermore, the Tree Protection Plan for the Scheme (also Appendix A) shows the retention of all trees subject to TPO's. However, we note that TPO 268(1998) have not been assessed individually, only as part of a group. We have concern that there RPA's may differ to that of the group and therefore should be considered on an individual basis to ensure the car park proposals do not adversely impact on the RPA's.
- If minded for approval we would also advise the following design details are considered:
  - Proposed native hedgerows should be mixed species and planted in a double staggered row. This should be accompanied by a 2/3 strand galvanised wire and tanalised softwood timber post fence, to BS1722-2: 2006 through the centre of the staggered row of hedge to prevent access until the hedge are fully established.
  - A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should also be given to native trees and shrubs that can be found in the locality.
- Conditions are recommended that require submission and of i) an Arboricultural Method Statement, ii) a soft landscaping scheme and iii) a landscape management plan.

29. **Place Services (Consultants proving advice for West Suffolk Council planning department) – Landscape (April 2022)** – following consultation about the amended car parking proposals provided the following advice and recommendations:

Since we were last consulted the proposed car park has been relocated to the southern boundary of the existing HMP Highpoint site (Proposed Car Park (South)). Though we are satisfied with the principal of this revision, we do have concerns regarding the proposed vegetation clearance for the access road; as this sits within private ownership, we are unable to confirm the quality and value of the stock proposed for clearance. To accord with Policy DM13: 'Landscape Features' of the Joint Development Management Policies Document (2015) we would advise that a revised Arboricultural survey and impact assessment is submitted and approved by the LPA. This assessment should be undertaken in accordance with BS 5837:2012 Trees in relation to design demolition and construction recommendations and should provide details on trees and shrubs to be retained and/or removed, their value, the impact on them and any necessary protection methods.

Similarly, any loss of vegetation will need to be assessed by an Ecology consultant and should be compensated for with new tree and shrub planting on the proposed scheme. We would recommend that this would be in the form of native tree planting within the car park and a mixed native hedgerow

with associated hedgerow trees (or similar) on the car park boundary.

30. **Place Services** (Consultants providing advice for West Suffolk Council planning department) – **Ecology** (April 2022) Initially submitted 'holding objections' due to insufficient information relating to protected species (reptiles). They also recommended further information to address the re-located car park and works associated with accesses it.
31. **Place Services** (Consultants providing advice for West Suffolk Council planning department) – **Ecology** (2022) following submission of an ecology addendum removed its objections subject to the imposition of conditions to secure biodiversity mitigation and enhancement measures.
32. **West Suffolk Public Health and Housing (January 2022)** – With respect to odour (from the nearby treatment works) recommends the area around the northwest corner of the proposed development is allocated to non-residential (accommodation) uses. Recommends two planning conditions relating to the timing of site preparation and construction works (08:00 to 18:00 weekdays and 08:00 to 13:00 Saturdays and no working Sundays and Bank/Public Holidays and compliance with the recommendations made in the acoustic report relating to fixed plant within the prison site.
33. **West Suffolk Environment Team (January 2022)** – welcomes the 15% provision of EV charging enabled spaces within the new car park and requests a condition to secure the 15% provision. With regard to land contamination issues they are satisfied with the scope of report and agree that intrusive investigations are warranted. A condition is recommended to address this at the appropriate time. With respect to sustainability matters, the team are "satisfied that the proposal shows compliance with Building Regulations Part L" and with respect to BREEAM requirements "welcome the projects aim to achieve BREEAM Outstanding" and recommend a condition in this regard. In **April 2022**, following consultation about the re-located car park proposals, the **Environment team** noted the ratio of EV charging points remained the same and repeated their previous requests for conditions.
34. **West Suffolk Waste Operations Manager (January 2022)**: did not wish to comment.

### **Representations:**

35. **Stradishall Parish Council (February 2022)**: objects to the planning application for the following reasons:
  - DM2d loss of an important open space. The location of the proposed carpark behind Chestnut Walk will lead to the loss on an important open space and will have a detrimental impact on the residents of Chestnut Walk. There are alternative sites where the car park could be relocated which would impact less on residents, for example near the existing car park off Lancaster Way.
  - DM2gv – Impact on the residential amenity of the properties in Chestnut walk due to noise, light pollution, and number of vehicles using the car

park. Locating a carpark behind the properties in Chestnut Walk will have a negative impact on their residential amenity. With prison staff working irregular shifts the noise from the carpark will be constant. There will also be light pollution from the security lights which are already very intrusive at the prison.

- In addition to the impact of the carpark, the height of the proposed house blocks, which will be 4 storeys high, will have a negative impact on the residential amenity of the properties on the Highpoint Estate due to overlooking and overshadowing as well as additional light pollution from the additional security lighting.
- DM2gXi – Highways safety. The existing entrance off the A143 near Stirling House is dangerous due to the poor visibility splay as it is on a blind bend. There have already been accidents at this junction including one fatality, and the additional use by cars entering the proposed new carpark behind Chestnut Walk will increase this risk. The current 40mph speed limit is inadequate and it should be a condition of this application that the speed limit be reduced to 30mph to make this stretch of the A143 safer, particularly with the large increase in vehicles which will be using the road to access the prison.
- DM2gXi – Highways safety. Additional damage to the roads owned by Highpoint Prison will impact on highways. The roads owned by Highpoint Prison are already in a very poor state of repair as they have never been properly maintained and will deteriorate further with increased usage and while the building work takes place. The poor state of repair of the roads is an ongoing concern for residents and this should be dealt with as part of the application as they are a risk to both road users and pedestrians. Maybe as a good will gesture to residents the roads within the actual housing area of the estate could be repaired at the same time.
- HMP Highpoint has neglected the area outside the prison. The garages they own have fallen into disrepair and are an eyesore. The whole area needs to be improved and properly maintained by the prison to improve the visual and residential amenity of nearby residents.
- Stradishall Parish Council is also concerned about the additional burden on the Police and West Suffolk Hospital which will result if the number of prisoners increases. Police resources are already stretched as a result of policing the prison and ambulances attend the prison on a regular if not daily basis. Without additional funding for policing and for the ambulance service, this will impact on all residents of West Suffolk as more resources will have to be diverted to accommodate the increase in prisoners and staff.
- Stradishall Parish Council would also like to comment on its disappointment with the lack of effective community engagement by HMP Highpoint and its planning agents prior to submitting this application. Many of the issues raised could have been overcome had a proper consultation taken place with parish councils, local services and residents of the Highpoint Estate.

36. **Stradishall Parish Council (April 2022)**, following re-consultation about the re-located car park confirmed their support for this aspect of the

proposals which would move the car park location away from Chestnut Road.

37. **Hundon Parish Council (February 2022 and repeated in April 2022):** objects to the planning application for the following reasons:

- The location of the proposed carpark behind Chestnut Walk will lead to the loss on an important open space and will have a detrimental impact on the residents of Chestnut Walk. There are alternative sites where the car park could be relocated which would impact less on residents, for example near the existing car park off Lancaster Way.
- Impact on the residential amenity of the properties in Chestnut walk due to noise, light pollution, and number of vehicles using the car park. Locating a carpark behind the properties in Chestnut Walk will have a negative impact on their residential amenity. With prison staff working irregular shifts the noise from the carpark will be constant. There will also be light pollution from the security lights which are already very intrusive at the prison.
- In addition to the impact of the carpark, the height of the proposed house blocks, which will be 4-storeys high, will have a negative impact on the residential amenity of the properties on the Highpoint Estate due to overlooking and overshadowing as well as additional light pollution from the additional security lighting.
- The existing entrance off the A143 near Stirling House is dangerous due to the poor visibility splay as it is on a blind bend. There have already been accidents at this junction, and the additional use by cars entering the proposed new carpark behind Chestnut Walk will increase this risk. The current 40mph speed limit is inadequate and it should be a condition of this application that the speed limit be reduced to 30mph to make this stretch of the A143 safer, particularly with the large increase in vehicles which will be using the road to access the prison.
- Highways safety. Additional damage to the roads owned by Highpoint Prison will impact on highways. The roads owned by Highpoint Prison are already in a very poor state of repair as they have never been properly maintained and will deteriorate further with increased usage and while the building work takes place. The poor state of repair of the roads is an ongoing concern for residents and this should be dealt with as part of the application as they are a risk to both road users and pedestrians. Maybe as a good will gesture to residents the roads within the actual housing area of the estate could be repaired at the same time.
- HMP Highpoint has neglected the area outside the prison. The garages they own have fallen into disrepair and are an eyesore. The whole area needs to be improved and properly maintained by the prison to improve the visual and residential amenity of nearby residents.
- There are also concerns regarding the additional burden on Police and West Suffolk Hospital resulting from increase prison population. Ambulances attend the prison regularly, sometimes daily. This impacts on residents of West Suffolk directly as more of the police and Ambulance

resources will need to be diverted to the prison to accommodate the increase in prisoner numbers.

- There has been a lack of community engagement by HMP Highpoint and planning agents prior to the planning application. If there had been adequate consultation with Local Parish Councils, local services and the residents of the Highpoint Estate, some of these issues could have been discussed before the application process.

38. **Cowlinge Parish Council (February 2022):** objects to the planning application for the following reasons:

- Increased light pollution. Cowlinge is already blighted by light pollution from HMP Highpoint. The excessive use of outdoor artificial light not only directly effects neighbouring properties but can have a detrimental impact to human wellbeing and wildlife behaviour (artificial light wreaks havoc on natural body rhythms in both humans and animals). Increasing the size of the prison will add to the light pollution over the village, which is already at unacceptable levels.
- Increased traffic/lack of infrastructure. Cowlinge already records high numbers of speeding vehicles, mostly resulting from prison officers (clearly identified by their uniforms) speeding to and from shifts. We assume there will be an increase in staff numbers and visitors, creating more vehicle movements, increased noise and pollution. The narrow country lanes are dangerous; some remain ungritted during the winter months. This lack of infrastructure should be taken into consideration.
- Scale and nature of the development is inappropriate for a rural setting - four storey buildings should be kept to built up city/suburban areas.

39. **Great Thurlow Parish Council (March 2022)** – objects to the planning application for the following reasons:

- We all feel that the added amount of vehicles on what are not the best roads in the county, would further damage them. Not only with the added heavy lorries whilst construction takes place but also afterwards, we already have loads of visitors using our roads to get to the prison this would be further enhanced by the proposal. We are suffering already with the amount of traffic constructing the Haverhill expansion, do we have to wait for a serious accident before someone takes notice.
- Also we are not happy with the height of the four storey blocks which are being constructed.

40. **Little Thurlow Parish Council (March 2022)** – objects to the planning application for the following reasons:

- We are concerned there will be a significant increase in traffic along Broad Road, a single lane road which it is not designed for.
- Possibility of light pollution from security lights.
- Concerns about the height of the planned residential buildings.

41. **Haverhill Town Council (February 2022)** - objects to the planning application for the following reasons:
- Amenity - The height of the proposed 4-storey house blocks will have a negative impact on the residential amenity of the properties on the Highpoint Estate which will cause overlooking and overshadowing. - Additional security lighting will cause light pollution for residents within the perimeter and those surrounding.
  - Transport There is a very limited bus service, therefore most staff and visitors will arrive for work and visiting by car. This will inevitably cause an increase in the number of vehicles using the car park resulting in a negative impact on the residential amenity of the properties in Chestnut walk due to noise and light pollution. Prison staff work irregular shifts and the noise from the carpark will be constant.
  - Highways - The existing entrance off the A143 near Stirling House is dangerous due to the poor visibility splay as it is on a blind bend, cars entering the proposed new carpark behind Chestnut Walk will increase the risk of accidents. Additionally, there are limited footpaths around the site and crossing the A143 from one side of the site to the other is currently extremely dangerous. A condition should in place to reduce the current 40mph speed limit to 30mph and the provision of a crossing.
  - The roads around the estate owned by Highpoint Prison are already in a very poor state of repair, the proposal will cause a further deterioration due to increased usage. The poor state of repair of the roads is an ongoing concern for residents and this should be dealt with as part of the application as they are a risk to both road users and pedestrians.
42. Haverhill Town Council (April 2022) wrote following consultation about the amended car park proposals to re-affirm its previous objections and clarify that its concerns about lighting and road infrastructure had not been addressed.
43. **Seven letters** were received from local residents and the owner of the solar farm to the south of the site raising concerns and/or objections against the proposals. Comments relating to the initial proposals to site the car park to the northern side of the prison site are not included in the summary given that the car park has now been moved to the opposite side (south) of the prison. The matters raised in relation to the scheme as it is presently proposed are summarised as follows:
- Four storey accommodation blocks could allow prisoners to overlook private houses; CCTV cameras already invade our privacy.
  - Likely increase in 'contraband' (throwovers)
  - The condition of the service road would deteriorate further.
  - Increased traffic movements combined with speeding traffic increases the risk of a serious accident.

- An increase in traffic movements (particularly lorries) at the junction close to Stirling house would be a concern; it is a dangerous junction with many accidents and near misses
- Delivery vehicles passing through the woodland area to access the prison site is likely to damage the woodland and its wildlife interests or disturb the protected nesting birds on the adjacent Broxted solar farm.
- We find it difficult to provide any significant comments as we feel information provided so far does not provide sufficient information to understand certain elements of the development.
- No clarification on local road management during or post construction.
- No mention of controls during construction to minimise effects to the solar park.
- The scheme raises significant issues over security along the existing outer fence line of the prison's Southern boundary. It is currently not fit for purpose and fails to stop frequent intruders between the two properties and thus presents a significant security concern. We believe that the security issues and risks will only grow if HMP Highpoint is enlarged and the proposed car park is created.
- There is a well-established Permissive Footpath which runs around the circumference of the main bulk of Broxted Solar Farm and along the prison's southern boundary. We also do not believe that the public views from the Permissive Footpath have been properly considered in the LVIA and we would be grateful for confirmation that the Landscape Officer has taken this into account.
- We believe that significant improvement and widening of Lancaster Way will be necessary to ensure it is fit for purpose and to ensure the safe passage of pedestrians along this route as they join the Permissive Footpath (which is a significant amenity) on our client's property.
- Material displacement from the construction site (and its associated traffic) will directly impact on the solar panels and therefore the operation of the Solar Farm. This will almost certainly result in additional management challenges and costs from an operational perspective.
- The scale and proximity of the new accommodation blocks proposed on the boundary of our client's property will have a major impact on their holding. The massing of these units is significantly disproportionate to the existing builds in the area (including the existing prison blocks on the boundary) and in our client's view does not constitute the best use of space within the curtilage of the MoJ/HMP Highpoint site. There will be a significant and lasting impact on the views to the north from our client's property. We do not believe this has been accurately or properly shown in the documents submitted to date as the elevations that have been shared seem to

deliberately be designed to minimise this aspect, particularly when considered in terms of the impact on the Permissive Footpath

## **Policy:**

44. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Council.
45. The following policies of the Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy 2010, and the Rural Vision 2031 (2013) have been taken into account in the consideration of this application:

### **Joint Development Management Policies Document (2015)**

46. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:
  - DM2 – Development Principles and Local Distinctiveness
  - DM5- Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
  - DM11 – Protected Species
  - DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
  - DM13 – Landscape Features
  - DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
  - DM44 – Rights of Way
  - DM45 – Transport Assessments and Travel Plans
  - DM46 – Parking Standards

### **Core Strategy (2010)**

47. The following policies from the Core Strategy document are considered relevant to this planning application:
  - Policy CS2 – Sustainable Development
  - Policy CS3 – Design and Local Distinctiveness
  - Policy CS4 – Settlement Hierarchy and Identity
  - Policy CS7 – Sustainable Transport
  - Policy CS9 – Employment and the Local Economy
  - Policy CS13 – Rural Areas

## **Rural Vision 2031 (2013)**

48. The following policies from the Rural Vision document are considered relevant to this planning application:
- Policy RV5 – Protection of Special Uses

### **Other planning policy:**

#### Supplementary Planning Documents

49. Whilst not formally adopted as a Supplementary Planning Document, the Suffolk Advisory Parking Standards (as amended 2019) are referenced by Development Plan policy and are thus a material consideration to be given appropriate weight in the consideration and determination of planning applications.

#### National Planning Policy Framework (NPPF)

50. The Government continues to update and amend national planning policies in the National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

#### *How does the NPPF define sustainable development?*

51. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:
- i) economic (to help build a strong, responsive and competitive economy),
  - ii) social (to support strong, vibrant and healthy communities) and,
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)
52. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
53. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

### **Officer comment:**

54. This section of the report begins with a summary of the main legal and legislative requirements before discussing the principle of the development and in particular compliance with the Development Plan. It then goes on to analyse other relevant material planning considerations (including

national/local policy and site-specific considerations) before reaching conclusions on the suitability of the proposals.

## **Legal Context**

### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

55. Given the scale of development proposed the planning application was screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The screening concluded that the proposed development was not 'EIA Development' and thus an Environmental Statement was not required to accompany the planning application.

### Natural Environment and Rural Communities Act 2006

56. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed in preceding paragraphs above and later in this report (Natural Heritage section).

### Planning and Compulsory Purchase Act 2004 (as amended)

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the policies set out in the Core Strategy, The Vision 2031 Action Plan documents and the Joint Development Management Policies document (adopted February 2015). National planning policies set out in the Framework are also a key material consideration.

### Planning (Listed Buildings and Conservation Areas) Act 1990

58. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

*In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

59. Section 72(1) of the same Act states;

*...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

60. In this case there is one listed building located to the northwest of the prison site but its setting is unlikely to be significantly affected by the proposed development. Furthermore the site is not situated within a Conservation Area nor would it impact upon an existing conservation area. Further discussion about the potential impact of development upon the listed

building is discussed below.

#### Crime and Disorder Act 1998

61. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application. Further discussion is included below.

#### Equality Act 2010

62. Officers have considered the provisions of the Act, including the potential impact of the development on people with 'protected characteristics' in the assessment of the planning application but the proposals do not raise any significant issues in this regard. The following considerations are relevant. The Building Regulations would ensure the proposals are provided with nationally prescribed minimum accessibility standards as part of the construction.

#### Human Rights Act 1998

63. The proposals have been considered against the provision of the Human Rights Act and, for the same reasons set out above in connection with the Equalities Act, no significant issues arise.

### **Principle of Development**

64. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
65. Paragraph 96 of the Framework seeks to ensure faster delivery of other public service infrastructure such as...criminal justice accommodation; local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
66. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (inter alia):
  - *approving development proposals that accord with an up-to-date development plan without delay;*
67. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that

where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Adopted Local Plan policy context and discussion

68. The main policy relevant to development in countryside locations is policy DM5 of the Joint Development Policies document. The development proposals are not one of the development types that might be attributed support by this policy. Policy CS13 of the Core Strategy also seeks to protect the rural areas by strictly controlling development in areas outside of settlement boundaries.
69. Policy RV5 of the Rural Vision document relates to specialist 'Government Developments' in the district and names 'HMP Highpoint North and South' as qualifying under the policy. The policy confirms that at these locations "proposals for operational development will be considered favourably, taking into account existing constraints and statutory guidelines and in accordance with the Core Strategy and Development Management Development Plan Documents".
70. Officers consider that the specific 'in-principle' support to developing the 'Highpoint' site afforded by policy RV5 outweighs the apparent conflict of the proposals with policies DM5 and CS13. The principle of this development also gains an element of support, albeit circumstantial support, from Core Strategy policy CS1 with regard to the priority it affords to development of previously developed land and buildings. Furthermore, Policy CS9 supports the job creation that the prison expansion would provide. Notwithstanding this, the provisions of RV5 are sufficiently strong to conclude the principle of the development is supported by the Development Plan.

**Impact upon the countryside/landscape**

71. The Framework confirms the planning system should protect and enhance 'valued landscapes'. It also recognises i) the intrinsic character and beauty of the countryside and ii) the benefits of the best and most versatile agricultural land and of trees and woodland.
72. Core Strategy Policy CS2 seeks to achieve (inter alia) conservation or, where possible, enhancement of the character and quality of local landscapes and the wider countryside and public access to them. Policy CS3 requires development proposals to consider protection of the landscape and historic views.
73. Policy DM13 of the Joint Development Management Policies Document seeks to protect landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
74. The landscape including the application site is categorised as 'Undulating Estate Farmlands by the Suffolk Landscape Character Assessment (SLCA). The Assessment states that the views in this landscape are often full of well-treed farmland and woodland. The influence of parkland and ornamental

planting in the undulating landscape creates some very pleasant views. Just to the south of Bury St Edmunds the view is often confined by woodland, while in the southern part of this landscape the views are more open. Without the interlocking woodland cover and fewer hedgerows the larger scale and shape of the landform is more evident.

75. The SLCA recognises that developments in agriculture have increased the demand for large-scale buildings, such as those associated with poultry production. These can cause considerable intrusion, especially in this undulating landscape, if the siting, finish and planting are not appropriate to mitigate their visual impact. This observation could be applied to the application proposals, particularly so to the 4-storey accommodation blocks proposed as part of the scheme.
76. The application is accompanied by a landscape and visual impact assessment prepared by a suitably qualified consultant. The assessment identifies various potential landscape impacts arising from the development, both during the construction and operational phases. With regard to the proposals for buildings, the assessment states - The potential for landscape and visual effects arising from the operational phase of the proposed scheme are likely to comprise:
- Additional features/ elements located within the perimeter fence that will permanently introduce new mass, scale, or vertical elements into the landscape. While the nature of the perimeter fence will predominantly contain any landscape and visual effects arising from features/ elements that are c.2 metres high or less, features/ elements that are greater than c.2 metres high with potential for landscape and visual effects beyond the perimeter fence comprise:
    - i) Seven new/ extended single and double-storey buildings – these are not expected to significantly exceed the heights of the existing, directly adjacent buildings and as HMP Highpoint such, their potential for landscape and visual effects beyond the perimeter fence is likely to be limited to perceived changes in the roofline of the facility only.
    - ii) Three new four-storey T60 buildings – these are expected to exceed the heights of the majority of the existing buildings on site, their location within the facility being such that their potential for landscape and visual effects beyond the perimeter fence is likely to comprise perceived changes to the overall mass and/ or scale of the facility.
    - iii) New fencing and gates – these are expected to match and tie into the existing fencing and as such, the potential for any landscape and visual effects to be perceived beyond the perimeter fence is unlikely.
  - Additional features/ elements located outside the perimeter fence that will permanently introduce new mass, scale, or vertical elements into the landscape:
    - i) Two new car parks\*, including supporting infrastructure comprising four new pedestrian crossings and access routes, along with directional signage; and

- ii) One new single storey property store, including an extension to existing hard standing.

*\*The car park proposals have been changes since the LVIA report was prepared.*

77. In terms of landscape impacts, the assessment identifies the following:

#### *National Character Area*

- For NCA 86 South Suffolk & North Essex Clayland, there may be:
  - minor alterations to the existing landscape character at both construction and operational phases of the Scheme, which are likely to be below the levels of perception.

#### *Suffolk Landscape Character Areas*

- For both the Undulating Estate Farmland and Undulating Ancient Farmland landscape character types, there may be:
  - slight loss or damage to existing landscape character during the construction phase, which may be perceptible;
  - very minor alterations to the existing landscape character during the operational phase at years one and fifteen, which are likely to be below levels of perception.

#### *Neighbourhood Character*

- For the existing Neighbourhood character, comprising the study area extending for c.1km outside the planning application boundary, there may be:
  - slight loss or damage during the construction phase, which may be perceptible;
  - slight loss or damage during the operational phase at year one, which may be perceptible; and
  - very minor alterations during the operational phase at year fifteen, which are likely to be below levels of perception.

78. The document goes on to reach conclusions about likely impacts arising:

#### *Landscape Effects*

- Based on the assumption that adherence to BS 5837:2012 Trees in relation to design, demolition, and construction – Recommendations will be maintained throughout the entirety of the construction phase the maximum significance of potential landscape effects arising during both the construction and operational phases is likely to be **Slight**.

#### *Visual Effects*

- Based on the assumption that adherence to BS 5837:2012 Trees in relation to design, demolition, and construction – Recommendations will be maintained throughout the entirety of the construction phase:
    - for 14No. visual receptors, there is likely to be **No change** to existing views;
    - for 5No. visual receptors, the maximum significance of effects during both the construction and operational phases is likely to be **Slight**;
    - for 1No. visual receptor, a group of c.12 residential properties, the maximum significance of:
      - ❖ daytime effects during the construction phase and the first year of operation is likely to be **Large**, reducing to **Moderate** by the fifteenth year of operation; and
      - ❖ night-time effects during the first year of operation is likely to be **Large**, reducing to **Moderate** by the fifteenth year of operation.
79. The LVIA document was frank in its assessment of likely impacts to sensitive receptors. Whilst the impact upon the landscape overall both from the amount of development proposed and in combination with its scale (including the x3 accommodation blocks; the tallest of the new buildings proposed) was not considered significant, the report identified large impacts to a group of existing dwellings in the locality. These impacts derived from the location, operation and lighting of the proposed car parks to the north of the prison site. The planning application has since been amended with the two car parks originally proposed to the north of the prison site now combined into a single car park facility re-located to the south of the prison site. Accordingly, the large initial impacts upon these properties (reducing to moderate impact after 15 years) identified by the Landscape & Visual Impact Assessment will no longer be realised.
80. The Council's consultants on landscape impact matters advised they agree with the applicants assessment.
81. The owner of the solar farm situated to the south of the application site has written to express concern that (inter alia) the LVIA document prepared by the applicants has not assessed the visual impacts of the development upon the publicly accessible permissive path that is provided within the solar farm site. The LVIA does not assess the impact from this receptor. However, officers have considered the likely impacts as follows. Some of the proposed development, the 'T-60' accommodation blocks in particular, would be readily visible above the security fence line from the permissive footpath. However, the experience of using the footpath is already compromised by i) the presence of the lines of solar panels, which enclose and industrialise the experience and ii) the presence of the existing prison and its security fencing. Whilst the introduction of further and taller development at the prison site close to the boundary with the permissive path is likely to add to the sense of urbanisation of the route, the users' experience is unlikely to be significantly adversely affected and the impact is therefore deemed to be

moderately adverse.

82. It is concluded that the landscape and visual impacts of the proposed development overall are acceptable with no long-term significant impacts arising.

**Impact upon the local highway network (highway safety) and sustainable transportation (accessibility)**

83. The Framework states transport issues should be considered from the earliest stages of ... development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

84. The NPPF goes on to confirm the planning system should actively manage patterns of growth in support of these objectives. Furthermore, it advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (which can help to reduce congestion and emissions and improve air quality and public health). However it also recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas and concedes this should be taken into account in both plan-making and decision-taking.

85. With regard to considering development proposals, the Framework states that, in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements reflects current national design standards.

d) any significant impacts from the development on the transport network

(in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

86. It is national policy that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas).
88. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 requires the submission of a Transport Assessment to accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).

*Information submitted with the planning application and consultation responses and officer comment.*

89. The planning application is accompanied by a Transport Statement and a Travel Plan. The Statement explores the pedestrian and cycle facilities for the site and sets out the bus services. It also discusses the local highway network and reviews accident data in the general location of the prison site. It goes on to summarise that pedestrian access is likely to be limited to the immediate environs of the site and notes that bus services (albeit limited) are available throughout the day. It advises there are opportunities for staff and visitors to access the prison site via public transport albeit those opportunities would be limited to those who live along the route of the service itself (thereby reducing the scope of the likely access of the site via public transport options). This is acknowledged by the Travel Plan with the main focus being placed upon increasing car sharing and some limited (very minor) increases in pedestrian access.
90. The Transport Statement also explores existing cycle facilities at the site and confirms these are not to change. There are existing lockable cycle stores available and staff have access to shower/changing facilities. The Transport Statement considers that the additional 150 car parking spaces to be provided will be sufficient to accommodate the additional demand generated by the proposed development.
91. The Highway Authority initially objected to the planning application and, in particular, requested further information about the impacts of additional traffic movement generated by the development upon the capacity, safety and functioning of the junction from the A143 onto Lancaster Way. The

Police Authority also expressed concerns, in particular the risks to highway safety posed by speeding traffic passing the site along the A143 (which is legally restricted to 40mph presently).

92. In early June 2022 an addendum to the Transport Statement was submitted in response to the concerns raised by the highway and police authorities. This set out the results of traffic modelling of the road junction of Lancaster Way onto the A143 and examined in more detail likely traffic movements for staff and visitors. It also assessed the amended location for additional car parking to the south of the prison.
93. The addendum document reached the following conclusions:
  - When comparing the 2025 Do Nothing against the 2025 Do Something future scenarios, the models returned the same results in terms of the Junction LOS; additionally, in both future scenarios, all approaches indicated RFC values well below the 0.85 threshold, with the biggest increase being 0.13 for the A143 West right turn movement, also well under the 0.85 threshold. The models also returned very small values of queues for both future scenarios, which can be accommodated within the existing geometry of the junction.
  - It is therefore concluded that the development is anticipated to result in negligible impacts on the capacity of the existing junction.
  - As previously stated, the limitation of the PICADY software did not allow for the base models to be fully validated. While the forecasted queues indicated within Table 5-3 for the future scenarios could be different if starting from validated base models, their close correlation would still be expected and leading to similar conclusions as above that the impact of the development on the operation of this junction is negligible.
  - Therefore, based on the modelling results, it has been demonstrated that there are no requirements for any-site highways works; accordingly the proposed prison expansion does not seek to make alterations at the A143/Lancaster Way junction in support of the proposal.
94. Some concerns have been expressed, particularly so by local Parish Council's that the development is likely to increase vehicular traffic along 'Broad Road' to the west of the application site. Broad road is a rural lane which connects the A143 from a point relatively close to the prison site to Little Thurlow to the west. It is stated that damage is already occurring to the verges along this route caused by vehicles passing. The highway authority has been advised of these concerns but has not advised the applicant to explore the issue further or to secure any measures along the Broad Road route (e.g. formalised passing bays). The main concerns of the Highway Authority were focussed upon the potential impact of increased traffic upon the Lancaster Way junction (and pedestrian crossings of the A143 at that junction).
95. The Highway Authority has accepted the findings and conclusions of the Addendum Transport Statement document and are content the proposed development would not lead to severe traffic impacts and, other than improvements required to Steeple Chase and possibly also Lancaster Way, no works are required to the highway as a consequence of the prison

expansion proposals, including the junction of Lancaster Way and the A143.

96. The police authority has requested that the developer provides average speed cameras to support enforcement of the existing 40 m.p.h. speed limit along the A143. The Highway Authority, whilst not requiring this as a particular measure, have expressed their support for the notion as this would improve highway safety in the locality. It is agreed that a reduction in traffic speed along this part of the A143 would be beneficial to making the road safer for its users but there is no evidence the development proposals would add to or exacerbate these pre-existing problems and concerns. Accordingly, the Local Planning Authority is not able to insist upon the delivery of new speed cameras as requested by the Police Authority (i.e. by refusing planning permission in the absence of these measures). The applicants have been approached to establish whether they would be prepared to fund these measures on a voluntary basis. They have confirmed discussions will continue with the Police Authority but they did not wish to enter into a S106 Agreement to compel the funding of speed cameras as part of the development proposals.
97. It is likely that staff and visitors to the prison site (as expanded) would, in the main, continue use a car as their preferred mode of transport. There are very limited opportunities to encourage a shift to other modes given the remote location of the site, poor facilities for pedestrians and cyclists (which would discourage use of the A143) so the focus of the travel planning measures included in the Travel Plan is to promote and encourage car sharing amongst staff.
98. The planning application is accompanied by a Transport Statement which examines the potential impacts of development on highway safety and congestion. Following very close examination of the document and submission of addendum information by the applicant, Suffolk County Council Highway Authority has accepted the applicants' conclusions and recommendations and has lifted its objections to the planning application. The Police Authority initially also objected to the application but latterly have confirmed they are content for the Highway Authority to take the lead on highway safety advice so have not submitted formal comments in response to the applicants Transport Assessment Addendum document.
99. In light of the above access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues, congestion or hazards. Having considered the evidence and comments received from the applicants and the Highway Authority, officers are content the proposed development would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours nor during the visiting hours to the prison during afternoon periods.

### **Impact upon natural heritage**

100. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity. The following principles should apply when determining planning applications:
  - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

101. Policy CS2 of the St Edmundsbury Core Strategy seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity.

102. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

Protected species.

103. The planning application was accompanied by an Ecological Appraisal and Biodiversity Audit (dated October 2014) which reached the following conclusions;

- The only ecological impact of significance relates to legal compliance in respect of common lizard. With recommended measures incorporated the proposal is considered unlikely to result in an unacceptable ecological impact.

104. The document recommended:

- A reptile trapping and translocation to an alternative site with appropriate environmental conditions (and during the active season), and;
- To design a lighting scheme for the development that is sensitive to bats;

- That any site clearance works such as vegetation removal, outside the bird nesting season or if it has to occur during this period a prior survey to identify the presence of any nesting constraint should be carried out.
105. And with respect to biodiversity enhancement, the document recommended:
- Installation of 10 bat boxes/bricks on retained trees and/or buildings;
  - Installation of 10 bird boxes/bricks on retained trees and/or buildings;
  - Identification of areas within the prison that can be managed to increase their flora interest brought into meadow use to increase their floral diversity and ecological value.
106. The Council's ecology advisors (Place Services) initially requested the submission of further information to i) support the assessments included in the Ecological Appraisal and ii) to assess the implications of the new car park location (access to it) upon the woodland in the southwest corner of the site. The applicants subsequently provided the requested information via an addendum document (June 2022). Whilst the addendum document was sufficient to address the concerns of the Council's ecology advisor, it did not alter the overall conclusions and recommendations of the Ecological Assessment, including proposals for ecological enhancements.
107. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and with mitigation secured by planning condition would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected), in this case reptiles.
108. It is therefore likely that a carefully constructed development would result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions.

### **Impact upon trees**

109. The initial submission of the planning application included proposals to fell a number of trees to the north of the prison site to make way for two (no.) new car parks proposed there. The car park proposals also necessitated some works to alter parts of a mature hedgerow adjacent to the A143 road. Following receipt of amendments to move the car park proposals from the north to the south of the prison, those particular trees and hedges are no longer under threat.
110. The amended location for the new car park to the south of the village would take its access via and through a woodland area. There is an existing private track through the woodland but this will need to be improved in order to accommodate vehicles accessing the car park (and construction vehicles in advance of that). None of the tree species close to the track are considered significant in terms of their age or contribution to character and would not therefore be candidates for protection via Tree Preservation Order. Furthermore there are no significant ecological issues arising from the small,

wooded area. The improvements to the 'road' through the woodland area to enable suitable access through to the new car park is considered acceptable. Nonetheless it is recommended that a precautionary approach is taken to tree felling in this area in order to minimise the number of specimens felled. Therefore an Arboricultural condition is recommended that will define and assess the individual tree specimens proposed for felling.

111. Similarly, improvements to the Steeple Chase adopted road carriageway to ensure it is fit for purpose to service the new car park and construction traffic might necessitate removal of trees that align the route. Early and informal information submitted indicates this is unlikely to be significant, and indeed it might be possible to retain all trees which line the route. A condition is recommended requiring full details of the improvements along the Lancaster Way/Steeple Chase corridor and this will include assessment of any trees required to be felled. If trees are required to be felled, compensatory replacement planting would be secured. There are no significant tree species along the route so no significant impacts are anticipated.
112. The impact of the development upon existing trees is considered acceptable.

### **Impact upon built heritage**

113. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and assets identified by the local planning authority (including local listing).
114. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
115. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
116. Policy DM15 of the Joint Development Management Document addresses proposals affecting listed buildings, including their settings. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
117. There is one listed building in the vicinity of the prison site. This is Blue Doors Farmhouse (Grade II) located on the north side of the A143 to the north of the prison site. The Landscape and Visual Assessment identifies potential impacts to the setting of this listed building as follows:

- For the existing landscape setting of Blue Doors Farmhouse Grade II listed building, there may be:
    - slight loss or damage during the construction phase, which may be perceptible;
    - slight loss or damage during the operational phase at year one, which may be perceptible; and
    - very minor alterations during the operational phase at year fifteen, which are likely to be below levels of perception.
118. The above assessment was carried out at the time a new car park with lighting and some tree removal was proposed on the prison site close to the front of the listed building. Given the changes made to the proposals to re-locate the car park to the south of the prison site (well away from the listed building) the likely impacts to the setting of the listed building have been vastly reduced (they were not considered particularly significant previously). The development proposals would not impact significantly upon any listed buildings (including their settings).
119. The planning application was not accompanied by any archaeological information. However the Archaeological Unit at Suffolk County Council (main advisor to the Local Planning Authority) has confirmed it is not necessary to explore the archaeological potential of the site given the extent of previous ground disturbance that has taken place and they do not consider there to be any need for archaeological recording.
120. In light of the above and following amendments made to the application to re-locate the car parks to the south of the prison site, officers are able to conclude that the development proposals would have no significant impacts upon heritage assets.

### **Impact upon local infrastructure**

121. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate the provision of infrastructure.
122. Core Strategy Policy CS14 sets out infrastructure requirements and developer contributions. The policy states:
- "All new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied".*
123. The policy lists the key infrastructure requirements in 'fundamental', 'essential' and 'required' groupings. Insofar as the lists relate to the development (including potential impacts upon infrastructure arising), upgrades to wastewater works are regarded as fundamental infrastructure, additional dentists and GPs and police resources are regarded as 'essential infrastructure'.

### Wastewater treatment infrastructure

124. Details submitted with the planning application confirms the proposed development would connect to existing local foul water systems in the village. The prison is served by Stradishall Highpoint Wastewater Treatment Works which are located a short distance to the west of the prison site.
125. Anglian Water Services has confirmed that upgrades will be required to the treatment works so it can accommodate the increased flows arising from the development proposals. Whilst Anglian Water acknowledge they are obligated to accommodate these flows (see paragraph 19 above) they confirm they will liaise with the developer to ensure delivery of the upgrades at the appropriate time. A condition is recommended to ensure a strategy is proposed and agreed.

### GPs, dentists and health

126. The CCG has confirmed it does not consider the prison expansion proposals would impact upon primary health care provision (paragraph 21 above). Officers see no reason to disagree. Similarly and as the prison population would not leave the prison site for dental services, it is unlikely the development would impact upon local dental provision/capacity.

### Police Resources

127. Committee Members will note from the confidential papers included that the Police Authority initially requested developer contributions to be used towards Police resources given that they had identified likely increased demands for policing services as a consequence of development. The applicant resisted the requests and pointed to the availability of publicly announced increased Government resources for police services (increased recruitment) that would be used to implement Government crime reduction policy. The nationwide prison expansion program is also part of that policy.
128. The two Governmental departments became involved in the discussion which culminated in the Police authority verbally withdrawing its request for revenue funding. Accordingly the Committee is advised that, notwithstanding the initial requests for funding made by the Police (as set out in the confidential papers), it is not appropriate for additional Police funding to be secured from these development proposal via the planning system.

### **Flood risk, drainage and pollution**

129. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
130. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from, or being adversely affected by, (inter alia)

pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

131. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
132. The application site is in Flood Zone 1 (low risk of flooding) although the Environment Agency's mapping indicates there are some areas of the prison site which are vulnerable to surface water flooding.
133. The application is accompanied by a flood risk assessment. This addresses the surface water flooding issue and confirms:
  - The EA Surface Water Mapping shows the vast majority of the site to be at 'very low' risk of flooding from surface water. It does however indicate some localised areas at increased risk around the existing buildings. These areas provide no connectivity to the wider area and are therefore considered to be representative of lower elevated sections of the site and occur as a result of the topography of the site.
  - Whilst areas are shown as being at an increased risk it should be noted that the EA's mapping does not make an allowance for any engineered drainage systems. Due to the developed nature of the site, which is considered to have its own advanced drainage systems, it can be concluded that the risk of surface water flooding to the site is low.
  - Whilst the potential effects of climate change could increase the frequency, depth and extent of on-site surface water flooding, given the sloping topographies, any increase in flood risk is considered unlikely to be of a magnitude which would result in a significant increase in the risk of on-site surface water flooding, as any surface water run-off will likely continue to be directed overland as shallow 'sheet-flow' with the prevailing topography from the highest point in the north and away from the site or be managed by the surface water drainage system. Therefore, the risk of surface water flooding can be considered 'low'.
134. The document goes on to recommend that, where possible, finished floor levels are raised by 300mm above adjacent ground levels to address any residual risk of surface water flooding on the site. The applicant has incorporated this recommendation into the design and specification of the relevant buildings.
135. The following conclusions are reached by the Flood Risk Assessment:
  - This report therefore demonstrates that, in respect of flood risk, the proposed development of the site:

- Is suitable in the location proposed.
  - Will be adequately flood resistant and resilient.
  - Will not place additional persons at risk of flooding and will offer a safe means of access and egress.
  - Will not increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage or impedance of flood flows.
- As such, the application is concluded to meet the flood risk requirements of the NPPF.
136. The Local Lead Flood Authority at Suffolk County Council has accepted the conclusions and recommendations of the Flood Risk Assessment and has recommended conditions relating to surface water drainage infrastructure.
137. Officers have no reason to disagree with the evidence submitted as part of the Flood Risk Assessment nor the Lead Local Flood Authority's assessment of it. The recommended conditions would be imposed upon the planning permission, if granted by the Committee. Accordingly, officers consider the application proposals acceptable with regard to flood risk and management of surface water.
138. The planning application is accompanied by a Geotechnical and Geo-Environmental Desk Study. The Council's Environment Team has considered the content of this document and are satisfied with the scope of the report and agree within that further intrusive investigations are warranted. The standard planning condition relating to land contamination is recommended.
139. The owner of the solar farm to the south of the prison site has expressed concern that dust and other debris might be thrown up during the course of the construction of the development proposals and this could be deposited on the panels causing them damage or to operate less effectively. If damage is caused to private property during construction, it is a private matter to be settled by the parties in question. That said, the planning condition which requires the submission of and adherence to a construction method statement does require the applicant to include dust control measures as part of the construction. Whilst this might not completely eradicate the potential for dust intrusion into the solar farm, it is the best that can be achieved in the circumstances. It is understood the owner of the solar farm has met privately with the applicant and the matter of dust/debris intrusion has been raised.

## **Design and Layout**

140. The Framework states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
141. It also advises that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) 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.
142. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
143. Core Strategy policy CS2 seeks to secure high quality, sustainable development and sets out a wide range of criteria in order to achieve this. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals.
144. A design and access statement has been submitted with the planning application to explain the design strategies underpinning the proposals included in the planning application. This sets out how the designers have attempted to utilise a common approach to the design of most of the development proposals through the use of specific design features (for example common approach to fenestration, seamed roof features, high plinths, etc) and a small palette of around 12 or so materials to ensure the proposed development raises the overall standard of design at the site and stands out from the existing buildings.
145. Officers consider this is the right design approach for the site given i) the contrasting 'bland' nature of the existing buildings and ii) the large-scale institutional nature of the use. Most of the new development, particularly that proposed with two-storeys or below, would not be visible from outside of the site because of the presence of solid security fencing around its perimeter. Notwithstanding this, a contemporary and high-quality approach has been adopted for most of the buildings proposed in the application.
146. Some parts of the development proposals follow a more 'traditional' route to fit in in all respects with the existing development at the site. Where this occurs the reasons are explained in the Design and Access statement. Again officers are content with this approach.

147. The tallest buildings proposed as part of the development, the x3 'T-60' accommodation blocks, do not follow the design approach of the remainder of the buildings. The design and access statement explains that the accommodation blocks are nationally prescribed and officers consider the design approach is likely to be dictated by, national standards and criteria, the internal functional needs, optimum internal layouts and the need to maximise the density of the use. This means that the accommodation blocks take on a rather bland unassuming appearance and would be candidates to be stereotypically labelled typical 'prison-architecture'.
148. Whilst the accommodation blocks would by far be the most visible of the new buildings from outside of the site (and arguably the only buildings proposed inside the secure parts of the prison site that would command any visual prominence from outside of the site), the simple and bland approach to their design, detailing and materials, and their visual uniformity could actually aid their successful assimilation into the landscape (or at least minimise that impact). If the buildings were to be designed with contemporary features and materials as 'statement buildings' they would certainly stand out much more prominently in the landscape. The approach to understate the appearance of large buildings in the landscape works with large monolithic agricultural buildings in similar open rural settings.
149. Officers conclude that, on balance, and having taken all considerations into account, that the design of the application proposals is acceptable.

### **Impact upon residential amenity**

150. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account 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.
151. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
152. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

### Noise

153. The planning application is accompanied by an Acoustic Assessment. This identified two potential new sources of noise that could adversely impact sensitive receptors. These were the use of the new car parks and noise impacts arising from the installation of new plant and machinery as part of the new development.
154. Since the report was submitted, the application has been amended and the car parks previously proposed at two locations to the north of the prison site have since been amalgamated into a single car park that is now proposed to be provided to the south of the prison site. Whilst the closest of the two

car parks was very close to existing dwellings and their gardens (only the width of a small road away from the closest dwellings), the new location is several hundred metres away and has no potential to adversely impact upon any existing dwellings. The assessment included in the acoustic report is therefore no longer relevant and does not feature as part of this committee report.

155. The acoustic report confirms that the type, quantity and location of fixed mechanical plant associated with the development has not been defined at this stage in the design. That is not unusual. The assessment does give a general overview of the plant likely to be required but given its speculative nature is not repeated in this report.
156. The Council's Public Health and Housing Team has requested a condition be imposed such that details of all mechanical plant and equipment to be installed at the site are submitted to the LPA for approval in writing. Such details would include noise rating of the equipment together with any sound proofing measures. Officers consider this would be a reasonable approach such that details of the plant and equipment and in particular its potential noise impacts to neighbouring land uses (dwellings in particular) could be assessed and any adaptations required included before the equipment is installed.

#### Odour

157. The Stradishall-Highpoint sewage treatment works are located a short distance to the west of the application site, relatively close to where the accommodation blocks are proposed. As a consequence an odour assessment has been submitted with the planning application. The assessment was prepared by Anglian Water, the owner of the infrastructure asset.
158. The report demonstrates that a thorough assessment has been carried out of potential odour intrusion from the treatment works into the development site. The report recommends that north-western corner of the proposed building zone should be allocated for places of work, commercial/retail premises and playing/recreation fields. The plans show the accommodation blocks would be constructed outside of the 'zone' in question and thus odour would not be a detrimental issue to the residents of the nearest accommodation block to the treatment works.

#### **Sustainable construction and operation**

159. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
160. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
161. The document expands on this role with the following policy:

*In determining planning applications, local planning authorities should expect new development to:*

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

162. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
163. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction. The Policy requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques) and (for non-residential developments over 1,000 square metres) requires compliance with BREEAM excellent standard or equivalent (unless certain conditions apply – e.g. site constraints or threats to development viability).
164. The applicant has submitted a range of documents relating to sustainability and BREEAM with the planning application. These have been reviewed and assessed by the Council's Environment Team which has confirmed the proposals meet with the requirements of policy DM7 (subject to conditions) and welcome the aim to achieve BREEAM 'Outstanding' which is above the policy DM7 requirement to meet an 'Excellent' standard. The conditions recommended by the Environment Team are included in the list of conditions below.

### **Planning Obligations**

165. There are no planning obligations arising from the development. A formal Agreement under the provisions of S106 of the 1990 Planning Act is therefore not required.

### **Conclusions and Planning Balance:**

166. This report finds the principle of the application proposals are consistent with the policies of the Development Plan for the area. This is principally owing to the support for development of the prison site afforded by policy RV5 of the Rural Vision 2031 Area Action Plan.
167. Furthermore, having examined the proposals against other material planning considerations, none have been identified that would on their own, or in combination, lead to contemplation of a refusal of planning permission.
168. Officers' analysis, as set out in this report, triggers the 'presumption in favour of sustainable development' set out at paragraph 11 of the NPPF

which means "*approving development proposals that accord with an up-to-date development plan without delay*". Furthermore, the direction at Section 38(6) of the 2004 Planning Act that the proposed development "*must be made in accordance with the Development Plan unless material considerations indicate otherwise*" firmly points towards the granting of planning permission in this case.

169. Having carefully considered all of the issues raised by the planning application proposals, including the evidence and opinions submitted on behalf of contributors that have submitted their views, your officers' recommend that planning permission is granted subject to a number of controlling and safeguarding conditions.

### **Conclusion:**

170. In conclusion, the principle and detail of the development is considered acceptable, in compliance with relevant development plan policies and consistent with the National Planning Policy Framework.

### **Recommendation:**

It is **recommended** that planning permission be **granted** subject to the following conditions:

- i) The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reasons: In accordance with Section 91 of the Town and Country Planning Act 1990.

- ii) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

(Drawing numbers to be inserted)

Reasons: To define the scope and extent of this permission

- iii) No development above slab level shall take place until details of the external materials to be used on the three 'T-60' accommodation blocks have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons: To safeguard the character and appearance of the area.

- iv) No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not

later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reasons: To assimilate the development into its surroundings and protect the character and appearance of the area

- v) No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority

Reasons: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- vi) No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA). Thereafter the development shall be carried out and constructed fully in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

- vii) No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage

- viii) Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been

implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

- ix) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i). the parking, and manoeuvring of vehicles of site personnel, operatives and visitors
  - ii). loading and unloading of plant and materials (including deliveries)
  - iii). a deliveries management plan (to include routing of delivery vehicles and measures for resolving complaints)
  - iv). storage of plant and materials used in constructing the development (including any site office/s)
  - v). provision and use of wheel washing facilities and additional measures to prevent mud and other debris from the site being deposited onto the highway via construction, delivery and other site related vehicles, including a strategy for remedy of this should it occur.
  - vi). measures to control the emission of dust and dirt during construction.
  - vii). a scheme for recycling/disposing of waste resulting from construction works (including any excavated soil). There shall be no burning on site of waste materials.
  - viii). hours of operation for construction activities, including concrete pour, operation of generators, traffic movements for deliveries and waste disposal. The Local Planning Authority shall be provided with three days' notice prior to any extended concrete pour taking place outside the agreed hours of construction, to allow for express agreement that the works can proceed.
  - ix). lighting scheme, if any, for the construction site and any compounds (including within and outside hours of operation and construction).
  - x) details of haul routes on and off the highway network
  - xi) Identification of areas of the site to be fenced off to prevent ground disturbance/compaction or storage of materials in these areas.
  - xii) Details of measures to mitigate/suppress noise disturbance from external plant and machinery (including, for example, construction vehicles, compressors and pneumatic percussive tools).
  - xiii) Noise management responsibilities and measures

xiv) Monitoring and review procedures and mechanisms

xv) Complaints response procedures

xvii) Community liaison procedures

Reason: To ensure the satisfactory development of the site, to protect the amenity of occupiers of dwellings near to the site from noise, disturbance and surface water discharge during construction works and to ensure secondary opportunities for emergency vehicle access to the development to the south of the application site is maintained during construction and future occupation of the development.

v). No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

vi) The development shall achieve BREEAM Excellent or Outstanding standard. This shall be evidenced by a BREEAM certificate upon completion. The development shall achieve a Final BREEAM Excellent or Outstanding rating in accordance with the requirements of the relevant BREEAM scheme. A copy of the project's Final Certificate shall be submitted to the local planning authority within 6 months (maximum) following completion of the development.

Reasons: In the interests of sustainable development.

vii) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

- Ecological Appraisal and Biodiversity Audit (Bioscan, December 2021)
- HM Prison Highpoint – Addendum Information for BNG Assessment (Bioscan, 17 March 2022)
- HM Prison Highpoint – Addendum Reptile Information (Bioscan, 17 March

2022

- HM Prison Highpoint – Response to Place Services (reptiles and botanical survey of mitigation land) (Bioscan, 27th May 2022)
- HM Prison Highpoint – Addendum PEA for Compound Access Road (Bioscan, 9th June 2022)

viii) This shall include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

ix) No development shall take place until an ecological design strategy (EDS) addressing the mitigation, compensation and enhancement of the existing retained grassland and for birds, bats and reptiles, has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance,
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

Reason: To allow the LPA to discharge its duties under the Conservation of

Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- x) Prior to the commencement of development, full details of the proposed lighting scheme for the approved development (including but not limited to lighting of the car park and new pedestrian link from the car park to the prison entrance) together with details of new CCTV cameras to be installed as part of the re-development shall be submitted to the Local Planning Authority for approval in writing. Thereafter the development shall be carried out fully in accordance with the approved details.

Reasons: In the interests of public safety and to safeguard the character and appearance of the area, particularly the night-time landscape.

- xi) Prior to the installation of any new lighting at the site (including during construction) A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- xii) Prior to first occupation, details of the Part L compliance a BRUKL documentation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information on ventilation, lighting, heating and cooling and unregulated loads. Any areas in which the proposed energy strategy might conflict with other requirements set out in the Development Plan should be identified and proposals for resolving this conflict outlined.

Reasons: To ensure that the development meets DM7 of the Joint Development Management Policies Document and can demonstrate that the details of how it is proposed that the site will meet the energy standards set out within national Building Regulations.

- xii) Prior to first operational use of the site, at least 15% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air

quality.

- xiii) Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding of the foul water system.

- xiv) No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reasons: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xv) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

Reasons: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xvi) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xvii) Details of the location/s and specification of any new plant or machinery to be installed or provided within the application site shall be submitted to the local planning authority for approval in writing prior to being installed or otherwise provided at the site. These details shall include noise information

including demonstration that the noise generated by the plant or machinery would be 5db or more below night-time background levels measured at the nearest sensitive receptors. Only the approved plant or machinery (including any noise mitigation or other noise reducing/sound proofing measures as may be required) shall be installed at the site in the locations approved by the local planning authority.

Reasons: To safeguard the amenities of occupiers of nearby dwellings from the potentially adverse effects of noise generated by plant and equipment to be installed at the application site.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2418/FUL](#)

The officer presentation to the Committee will be based only on the material that is openly available in the public domain. Committee Members will be given access to the confidential information accompanying the Committee papers via a restricted link (see exempt agenda item listed on the agenda). This will be made up of two parts. The first part will include the confidential documents within the application submission which do not appear on the Council website. The second part will include the representations of the Suffolk Police Authority which they have requested be treated in confidence.